43rd 1973-74
LR 43

MONTANA LEGISLATIVE HISTORY

Chapter _____ 19 73

Filed 5-3

Bill H 463 S _____ Original bill & history ___C

B 5
F 1-13

H. Committee on Public Health Welfare Sept 1/27 S. Committee on Judiciary 2/26 7-7 (1st Con)

Hearing Date(s)	~~1-27~~	___C	Hearing Date(s)	2-26	___C F 7-9
B F 2/ ~~19 22~~ (1st Rdg) Jcnd 2/10	2-12	✓C 3-1	B 7/ 7-10 F	3-5	✓C F 7-10
	_____	___C		_____	___C
3/ 1-2 2/12-3/15	_____	___C		3-8	___C
Date Out	2-14	✓C			

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

2nd H. comm. rpt. 2/24 Sp. Sess LC amends

3rd H. amend p. 611 2/16

Pass H 2/23/73 p. 724

3/10/73 p. 1059

JH
Conf Com Minutes

5th comm rpt 3-8 p. 201

2nd

3rd 3/10 p. 271

IP Signed Pres & Sp. this

Mot 3/12 – 3/24; 2n. 3/14 → 3/24

3/12 – 3/24

Sp. Sess Mot

Ved Fol 1-15; no 463 or C.C. (FCC) Man

C.C. p 28 3/14 = rpt Sel Comm

3/23 "Exc A" = need this - p. 99 11 by J.

" p 37 3/14

2nd red C. comm rpt. p. 91 3/17

new comm p 93 "

" " p. 17 "

FCC p. 119 3/19 →

Montana Law Review

Volume 35
Issue 1 *Winter 1974*

Article 7

1-1-1974

Abortion: Roe v. Wade and the Montana Dilemma

Joan Uda

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The Attorney General then recommended his own bill, including: (1) a policy statement, asserting in particular the compelling state interest in preserving potential life; (2) repeal of R.C.M. 1947, §§ 94-401 and 94-402, with re-enactments of both in language identical to the originals; (3) provisions substantially within *Roe v. Wade* guidelines and patently contradictory to the re-enactments of R.C.M. 1947, §§ 94-401 and 94-402; (4) a severability clause holding valid any parts not specifically ruled invalid; and (5) a "conscience clause" relieving from participation persons or institutions with moral objections to abortion.[65]

The House passed these recommendations as amendments to H.B. 463,[66] and the Senate then passed the amended bill with several amendments of its own.[67] From the Senate, the bill went into conference committee, where, with the committee unable to agree, it remained until adjournment.[68] An interim conference committee was appointed to study the matter in preparation for the next legislative session.[69]

In April, 1973, plaintiff Mary Doe,[70] a married woman six to seven weeks pregnant, filed suit in a Montana federal district court seeking a declaratory judgment that R.C.M. 1947, §§ 94-401 and § 94-402 were unconstitutional under *Roe v. Wade*.[71] She also asked the court to enjoin defendants Attorney General Woodahl and Missoula County Attorney Robert L. Deschamps from enforcing the statutes. On May 2, 1973, the court[72] held R.C.M. 1947, §§ 94-401 and 94-402 unconstitutional when applied to a woman during the first trimester of pregnancy,[73] and issued a temporary restraining order to prevent the defendants from enforcing the statutes against Doe or her physician.[74] On May 29, 1973, under *Roe v. Wade* guidelines, the court held Montana's criminal abortion statutes unconstitutional as a unit.[75]

Despite fears of many people, *Doe v. Woodahl* has not turned Montana into an "abortion mill,"[76] although the incidence of legal abortion

[65] *Id.*

[66] House Bill 463/03. (Note that 03 represents the second amended version of House Bill 463.)

[67] Senate Judiciary Committee, REPORT ON HOUSE BILL 463 (1973).

[68] House-Senate Conference Committee, REPORT ON HOUSE BILL 463 (1973).

[69] Conference Committee members: Senate: George Bennett, R-Helena; Paul Boylan, D-Bozeman; William McNamer, R-Billings. House: John Hall, D-Great Falls; Hal Harper, R-Helena; Joe Roberts, D-Libby.

[70] "Mary Doe" is a pseudonym.

[71] Roe v. Wade, *supra* note 1.

[72] Doe v. Woodahl, *supra* note 2. The court declined to convene a three-judge court because "[A]s it would be applied in this case the Montana abortion law is clearly unconstitutional." Doe v. Woodahl, Civ. No. 2302 (D. Mont. May 2, 1973).

[73] Doe v. Woodahl, Civ. No. 2302 (D. Mont. May 2, 1973).

[74] *Id.*

[75] Doe v. Woodahl, *supra* note 2.

[76] Since *Roe v. Wade*, *supra* note 1, applies nationally, and in light of the many states in which the abortion law has significantly changed in the past few years, *supra* note 52, this fear was groundless.

https://scholarworks.umt.edu/mlr/vol35/iss1/7

House Bill No. 463

Draft

Recommend that it be amended as follows: The title thereof, by adding in line 8 thereof, following the word "PERFORMED;" the words "PROVIDING FOR A SYSTEM OF REPORTING STATISTICS;" and in line 10 thereof, by adding, following the numbers "1947" the following: "; AND PROVIDING FOR AN EFFECTIVE DATE". Beginning on line 14 of the body thereof, as follows: By striking sections 1 through 6 in their entirety, and substituting in lieu thereof the following:

"Section 1. Except as otherwise provided in section 2, a person commits criminal abortion when he administers any medicine, drug or other substance whatever to any woman or uses any instrument or other means whatever upon any woman with intent to terminate a pregnancy otherwise than by a live birth.

Section 2. Exception. Section 1 shall not apply to an abortion performed by a physician duly licensed to practice medicine pursuant to chapter 10 of Title 66, R.C.M. 1947, based on his medical judgment and the consent of the patient:

(a) during the first three months of a pregnancy;

(b) during the second three months of a pregnancy, provided that such abortion shall be performed in a hospital duly licensed pursuant to chapter 52 of Title 69, R.C.M. 1947;

(c) after the sixth month of a pregnancy

or any person to participate in such abortion, nor shall any hospital, clinic or any person be liable for such refusal.

Section 6. It is the intent of the legislature that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Sections 94-401 and 94-402, R.C.M. 1947, are repealed.

Section 8. This act is effective upon passage and approval."

February 12, 1973

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the Public Health, Welfare and Safety Committee was held on Monday, February 12, 1973 at 7:30 p.m. in the House Chambers with Chairman Bob Lee presiding. All members were present except Representatives Zimmer, Asbjorson, and Marbut, who were excused.

HOUSE BILL # 463 -- Representative Hal Harper offered several amendments and spoke in support of the bill. OPPONENTS: Dr. Robert M. St. John -- statement attached. The concience clause in the bill is much too vague . Karen Gregoire, Montana Right to Life, association-statement attached. James Provost, Montana Right-to Life Assoc., -- The bill is ill-advised at this time. The supreme court is not always right. It would be wrong to base a law on what he judges to be an erroneous decision of the supreme court. Because of the difficulty in anticipating the result of this law on the people of this state it would be a mistake to put the law into effect now. He is not interested in legislating morality but in moral legislation. Pastor Smith appeared in behalf of the supreme court, but not of the land. This bill is in open defiance to the living God and his word. What if Jesus was aborted? He also representated Americans Concerned for Morality, and spoke in their behalf. He presented a petition signed by 3,054 people in oppostition to the bill. Bob Staley, past 3-term legislator in the House.-- Life begins with conception; thou shalt not kill. The sex act was invented for the production of life; too many people today are using it for their personal satisfaction and abuse. The female knows that she might get pregnant; this is her first choice. The bill is giving the woman a second choice; but the unborn child is not given a choice. The public has a mistrust and a lack of confidence in our courts and this bill does nothing more than to destroy those few threads that are holding together the trust between our society and our government. Andrew Campros was an insurance agent in Chester and the father of 10 children. -- abortion is unjustified killing. There is no way you can rationalize to make it otherwise. Joseph Gagnon, -- it is against nature and God's law. The supreme court ruling ignores the question of when does life begin. No man has the right to stop life once it begins. Mr. William E. Leary, Montana Hospital Association,-- spoke neither in opposition nor support of the bill -- statement attached. Representative Harper then spoke in rebuttal. If we don't enact laws on this matter the court will. This bill is not ill-advised; the attorney general's office wrote it. The bill prevents one church from enforcing their opinion on everyone. We cannot hide our heads in the sand. There were no questions.

Meeting was adjourned.

Bob Lee
Chairman

Debbie Jakovac
Secretary

Please list the appropriate call or collection number for those items you want to request to view. A staff member will pull the item(s) and indicate that you received them and returned them. Return items to the reference desk when you have finished using them. Please see a staff member if you wish to request to view original photographic materials.

Item #	Title/Description	Received	Returned
917.8042 G215J	McGregor, The Journals of Patrick Gass		
PAC 90-87.34-2	Evelyn J. Cameron Photographs		
MC 226 Box 1	Evelyn Cameron Papers		
Newspaper	Helena Independent Record, March 1893		
	Staff are unable to pull items after your arrival. Please list		
	ALL collections you want to use during your visit.		
	Masks or face covering required for ages five and over while inside the Montana Historical Society.		
	LR 43 - 1973 Regular and March '73 Special Session:		
2/20-22	House Public Health Welfare & Safety (Jan-Feb 10)		
3/1-2	House Public Health (Feb 12-Mar 15)		
7/7-10	Senate Judiciary (Feb 26-Mar 9)		
	Conference & Free Conference committee Minutes for HB 463 (both Regular & March '73 Special Session)		
	During the Spec Session the dates the CC/FCC met were: 3/12 - 3/24.		

No.	Title of Bill	Page
	act entitled: "An act relating to the Workmen's Compensation Act; amending Section 92-418, R.C.M. 1947, relating to the definition of "injury" or "injured" to provide for broadened coverage for firemen; and providing for an effective date."	244, 482, 518, 591, 594, 622, 623, S-7, 19, SA-34, 99, 108, 121
459	Introduced by Marks, Halvorson: A bill for an act entitled: "An act to change the name of the Department of Law Enforcement and Public Safety to the Department of Justice; amending Sections 82A-104, 82A-202, 82A-703, 82A-802, 82A-803, 82A-1201, 82A-1202, 82A-1203, 82A-1205, 82A-1602 and 82A-1605, R.C.M. 1947; adding a new Section; and providing an effective date."	244, 349, 370, 428, 462, 477, 478, 769, 896, 897, 924, 1058
460	Introduced by Cox, Lucas, Kvaalen, Nichols, Glennen, Lund, Warfield: A bill for an act entitled: "An act to create revenue from the levy of a severance tax on coal for the purpose of support of county government, the Department of Lands, the Environmental Quality Council, and the Department of Natural Resources, and for the development of parks and recreation; repealing Section 84-1302, R.C.M 1947; and providing an effective date."	244
461	Introduced by Baucus, Haines, Ainsworth, Hodges, Turman, Greely, McKittrick, Schye, Murphy: A bill for an act entitled: "An act to provide for creation of joint tenancies with right of survivorship and subsequent transfer of property in the tenancy at the death of a spouse without court intervention."	244, 245, 489, 570, 624, 626, 656
462	Introduced by Edland, Fagg: A bill for an act entitled: "An act requiring the registration of certain aircraft and imposing a license tax thereon in lieu of all other taxes."	255, 642, 667, 701, 725, 772, 990
463	Introduced by H. Harper, Greely, Gunderson, Bradley Swanberg, Huennekens, Bennetts, Castles, Turman Shelden: A bill for an act entitled: "An act providing for abortion in the State of Montana and further providing the conditions under which ar abortion may be performed; providing penalties and repealing Sections 94-401 and 94-402, R.C.M 1947."	255, 564, 565, 566, 593, 611, 641, 651, 711, 712, 718, 723, 724, 765, 1059, S-11, 23, 24, 53, 81, 82, 92, 93, 95, 97, 98, 117, 118, 129, 139, 167, 170, 174, 175, 182, 184

No.	Title of Bill
464	Introduced by Kessner: A bill for an "An act to authorize the use of physi mobile intensive care paramedics unde ditions; to provide for immunity from under emergency conditions and to Board of Medical Examiners to estab regulations for the use of physician's bile intensive care paramedics."
465	Introduced by Baucus, Norman, Benne A bill for an act entitled: "An act t tions 69-5001, 69-5002, 69-5003 and 69 1947, by broadening the statement of to include air pollution prevention, so posal and to refer to quality of wate revising the definition of subdivision; definitions; revising the provisions for and standards; requiring approval plats and plans and specifications b ning Board and Department of Healt with County Clerk and Recorder; referral and review of proposed su appropriate agencies; providing for proceedings and hearings on alleged v viding remedies and sanctions relating providing for use of records and other agencies; and providing for eff ity of part of act."
466	Introduced by Marks, H. Harper, Cott Castles, Bell: A bill for an act enti amending Sections 75-6317, 75-7201 R.C.M. 1947, to repeal the element school tuition schedules; and to est nual calculation of a high school di rate on the basis of actual expenditu
467	Introduced by Swanberg, Haines, Ulm bill for an act entitled: "An act t the "Montana Kitchen and Table W viding for wholesaling of kitchen a and the retail sale thereof by licens a state tax on such wine; requiring labels; and regulating the importatio and sale of such wine."
468	Introduced by Gunderson, Clemow, Ga bill for an act entitled: "An act t manufacture, distribution and use feed in the State of Montana by req tion with fee of products and facilit spection fees and establishing the

HOUSE JOURNAL

OF THE

First Regular and First Special Sessions

OF THE

Forty-Third Legislative Assembly

OF THE

STATE OF MONTANA

Held at Helena, the Seat of Government of Said State,
Commencing in Regular Session January 1, 1973 and
Ending March 10, 1973, and
Commencing in Special Session March 12, 1973, and
Ending March 24, 1973.

Ed Smith
Chief Clerk

Rosella Wilson
Journal Clerk

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No.	Title of Bill	Page
	Gunderson, Tierney, Cox, Towe, Glennen, McKittrick: A bill for an act entitled: "An act to permit counties within a judicial district to create the office of district attorney in lieu of county attorneys."	573, 582, 679, 743.
453	Introduced by Marbut, McKittrick: A bill for an act entitled: "An act to revise and codify the law relating to the adoption of adults or of minors; to discourage black market adoptions; to provide for investigations and standards in passing a petition for adoption; to provide for the effect of adoption decrees; to repeal Sections 61-139, 61-140, 61-201 through 61-218; and to amend Section 69-4420, R.C.M. 1947."	610, 612, 715.
455	Introduced by Gerke: A bill for an act entitled: "An act to amend Sections 79-410 and 79-415, R.C.M. 1947, to modify revolving fund appropriation restrictions."	624, 627, 742, 776, 796, 797, 817, 957.
456	Introduced by Lee (by request): A bill for an act entitled: "An act relating to the Electrical Safety Law; and amending Section 66-2802, R.C.M. 1947, relating to the purpose of the act to establish the National Electrical Code as a minimum approved safety standard to provide procedures for establishing standards more stringent than the National Electrical Code."	610, 612, 759, 883, 924, 950, SS-60.
458	Introduced by Norman, Baucus, Quilici: A bill for an act entitled: "An act relating to the Workmen's Compensation Act; amending Section 92-418, R.C.M. 1947, relating to the definition of "injury" or "injured" to provide for broadened coverage for firemen; and providing for an effective date."	596, 600, 718, 831, 863, 875, 901, 954, 955, 974, 980, 981, SS-123.
459	Introduced by Marks, Halvorson: A bill for an act entitled: "An act to change the name of the Department of Law Enforcement and Public Safety to the Department of Justice; amending Sections 82A-104, 82A-202, 82A-703, 82A-802, 82A-803, 82A-1201, 82A-1202, 82A-1203, 82A-1205, 82A-1602 and 82A-1605, R.C.M. 1947; adding a new Section; and providing an effective date."	486, 488, 609, 634, 660, 677, 827.
461	Introduced by Baucus, Haines, Ainsworth, Hodges, Turman, Greely, McKittrick, Schye, Murphy: A bill for an act entitled: "An act to provide for creation of joint tenancies with right of survivorship and subsequent transfer of property in the tenancy at the death of a spouse without court intervention."	624, 627, 742, 778, SS-77, 155, 156.
462	Introduced by Edland, Fagg: A bill for an act entitled: "An act requiring the registration of certain aircraft and imposing a license tax thereon in lieu of all other taxes."	720, 722, 853, 897, 898.
463	Introduced by H. Harper, Greely, Gunderson, Bradley, Swanberg, Huennekens, Bennetts, Castles, Turman, Shelden: A bill for an act entitled: "An act providing for abortion in the State of Montana and further providing the conditions under which an abortion may be performed; providing penalties; and repealing Sections 94-401 and 94-402, R.C.M. 1947."	711, 712, 854, 901, 955, 971, SS-28, 37, 91, 93, 97, 119, 124, 165, 168, 170, 173, 178.
465	Introduced by Baucus, Norman, Bennetts, Driscoll: A bill for an act entitled: "An act to amend Sections 69-5001, 69-5002, 69-5003 and 69-5005, R.C.M. 1947, by broadening the statement of public policy to include air pollution prevention, solid waste disposal and to refer to quality of water for all uses; revising the definition of subdivision; adding other definitions; revising the provisions for making rules and standards; requiring approval of subdivision plats and plans and specifications by Local Planning Board and Department of Health before filing with County Clerk and Recorder; providing for referral and review of proposed subdivisions by appropriate agencies; providing for enforcement proceedings and hearings on alleged violations; providing remedies and sanctions relating to violations; providing for use of records and cooperation of other agencies; and providing for effect of invalidity of part of act."	574, 582, 679, 778, 933, SS-82, 141, 153, 184.
466	Introduced by Marks, H. Harper, Cotton, Gunderson, Castles, Bell: A bill for an act entitled: "An act amending Sections 75-6317, 75-7201 and 75-7202 R.C.M. 1947, to repeal the elementary and high school tuition schedules; and to establish the annual calculation of a high school district's tuition rate on the basis of actual expenditures."	610, 612, 759, 800, 846, SS-21, 54, 78, 93, 94, 97, 134.
468	Introduced by Gunderson, Clemow, Galt, Manuel: A bill for an act entitled: "An act to regulate the manufacture, distribution and use of commercial feed in the State of Montana by requiring registration with fee of products and facilities; setting inspection fees and establishing the method of collection; and repealing Sections 3-2012 through 3-2024, R.C.M. 1947."	596, 601, 718, 737, 776, 794, SS-30.

SENATE JOURNAL

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Walter Marshall
John Hansen
Secretary of the Senate

Ellen Reed
Journal Clerk

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STATE PUBLISHING CO., HELENA, MONT.

WITNESS STATEMENT

Name Carla B. Baker Date 2/12

Address 557 North Beattie, Helena Support ? ✓

Representing myself & my husband Oppose ?

Which Bill ? HB 463 Amend ?

Comments: I believe this bill should be passed. It does not force anyone to have an abortion nor does it restrict anyone from having one under a doctor's supervision & under good medical conditions.

you cannot hide the ~~the~~ truth that many abortions are being performed on Montana women every year. What this bill does is give all women (rich or poor, educated on the subject or not) the opportunity to decide for herself.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Natalie Cannon Date 2/12/73

Address 2130 Highland Support ? ✓

Representing Montana Division American Association of University Women Oppose ? _____

Which Bill ? HB 463 Amend ? _____

Comments:

Montana Division of AAUW has supported the position of abortion as a decision between a woman and her doctor for three years. We also support strong family planning legislation and implementation. We urge the committee to comply with the U.S. Supreme Court decision and recommend do pass for HB 463.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Susan Selig Wallwork Date Feb 12, 1973

Address 120 Evans Avenue Missoula Support ? X

Representing Montana Organization for the Reform of Abortion Laws (MORAL) Oppose ? _____

Which Bill ? HB 463 Amend ? _____

Comments:

MORAL stands in full support of HB 463 (as amended by Rep. Harper on Feb 12, 1973) as implementation of the U.S. Supreme Court decision, which recognizes the freedom to choose those medical alternatives advised by one's physician and agreeable with the patient's own conscience.

I am able to speak personally as a Catholic who would respect anyone's right to choose and who feels that no law is necessary for me to follow my own conscience relative to this particular alternative.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Kristin Purdon Date 2-12-73

Address Privileged Information Support ? ✓

Bozeman, Mont 59715

Representing _____ Oppose ? _____

Which Bill ? 463 Amend ? _____

Comments: I am not entirely sure of the exact reasons for introducing this separation of church & state so that the religious issues prevail on this bill is irrelevant. Not it is a fully emotional issue, in fact, but that the church pressure groups should hold so much influence is against the law. They guarantee quantity of life, but do not accept the responsibility for the quality of life. The most uninformed American knows that there are thousands of unwanted children who are beaten & tortured by parents who did not want them. Anyone who is a parent understands the deep responsibility in raising a child & he also knows the rights denied when these responsibilities are not met. It is felt that as Americans we are no longer worried about preserving life, but are very concerned about the kind of life we are providing for our children & succeeding generations. The world is facing [illegible] problems that must be faced & faced with intelligence. Unwanted pregnancies mean unwanted children. Pass this bill so that women can [illegible] for themselves when & at what time they can accept the responsibility for having children they themselves will raise!

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Robert St. John M.D. Date 2/22/22

Address 346 Burlington Support ?

Representing Right to Life of Oppose ? X

Which Bill ? 463 Amend ?

Comments:

I practice Ob-Gyn. I spent 3 years working in a hospital doing 80 abortions per month. I saw a life each was a human being and each of the physicians doing these abortions readily admitted these were human lives they were taking. Since our country is based on the premise that all men are created equal & since medicine & science readily admit that the conceptus is a man, a person, then the above named bill has no place in our society. Furthermore the Supreme Court decision does not consider this and like mistaken decisions before it must be reversed. We also must guard time against rushing to implement a decision that surely is doomed to defeat & consequently must reject passage of bill 463.

Please leave prepared statement with the committee secretary.

1116-19th Avenue Southwest
Great Falls, Montana 59404
(406) 453-4508
February 12, 1973

Mr. Robert E. Lee, Chairman
House Public Health, Welfare &
Safety Committee
State Capitol
Helena, Montana 59601

Dear Mr. Lee:

Enclosed is a typewritten copy of the comments which I delivered to the House Public Health, Welfare & Safety Committee earlier tonight, at least to the extent that I can accurately recount it. It is my hope that your secretary will find this immeasurably easier to decipher than the scribbled summary which I hurriedly wrote for her following my presentation!

It is my understanding that the amendments which the Montana Right to Life Association would propose (in the event that the Committee determines the necessity of passing legislation in this area), will be typed up in a form which will indicate those passages which are proposed amendments as well as passages from the proposed bill as presented by Mr. Harper, et al. The MRLA will then, I presume, seek to have these presented to the Committee by a legislator who is on your committee.

If you have any questions whatsoever, please do not hesitate to call the Montana Right to Life Association, whose office is in Helena, at 442-5825, or myself at the number above below my address. Mrs. Cecelia Kopetski is the Executive Secretary for the MRLA whom you will find at the office number.

Sincerely,

Karen Gregoire, R.N.

KAREN GREGOIRE, R.N.
MONTANA RIGHT TO LIFE ASSOCIATION

TESTIMONY PRESENTED TO THE MONTANA HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY, by Karen Gregoire, R.N., on behalf of The Montana Right to Life Association, February 12, 1973, Helena, Montana.

MISTER CHAIRMAN, LADIES AND GENTLEMEN OF THE COMMITTEE:

My name is Karen Gregoire. I am a registered nurse, a wife and mother, and I have come here from Great Falls to speak in opposition to H.B. 463.

This bill would reverse Montana's long-standing tradition which has protected human life even before birth.

Even if this committee should determine that a law is required to continue Montana's protectinn of the unborn, this bill is not the law needed, even with the amendments which Mr. Harper related this evening.

Tonight, by the way, was the first time that any of us who oppose this bill learned of any amendments to the original H.B. 463 bill, so please bear with me while I attempt to adjust my testimony accordingly.

To go on: many provisions of this bill still seem hastily drawn and inadequately thought out. It goes much farther than is indicated the recent U.S. Supreme Court decision and its outlines.

Should this committee decide, however, that it wishes to use this bill as the vehicle to protect the unborn, there are some critical areas which must be amended. To mention a few:

1. LEGISLATIVE INTENT: As H.B. 463 now stands, its intent is to open Montana's dorrs wide to virtually unrestricted abortion. We propose to amend by providing a statement of Legislative Intent, to read something like this: "The Legislature reaffirms the tradition of the State of Montana to protect every human life, whether unborn or aged, healthy or sick. In keeping with this tradition and in the spirit of our Constitution, we reaffirm the intent to extend the protection of the laws of Montana in favor of all human life."

2. DEFINITION OF ABORTION: The definition of abortion should read, "the act or operation to intentionally terminate a pregnancy without live birth." The intention is to end the life of the unborn child.

3. ABORTION AFTER THE FIRST TRIMESTER: We propose that any abortions which are to take place after approximately the end of the first trimester be allowed only if performed according to procedures approved by the State Board of Health; and that abortions may not be performed after viability - or approximately theend of the sixth month.

4. RIGHTS OF FATHER: Nothing in the Supreme Court's statements on the right of privacy excludes a father's rights concerning his progeny. Signed consent of the father should be required by law.

5. REPORTING AND IMPLEMENTATION: For this act to be effective, there must be more accurate reporting of the type of procedure, the period of gestation, and any complications which result. We propose that the State Board of Health be empowered to establish regulations and reporting procedures to implement the act, and that the Department of Health maintain accurate records of all operations under this type of bill.

6. CONSCIENCE CLAUSE: The "conscience clause" is much too vague. Protection should be extended so that refusal to participate in an abortion cannot lead to any discriminatory or recriminatory action, and to provide that refusal by any person to participate in abortion cannot be made a consideration in the employment practices of any medical facility.

I am opposed to abortion, as are the many members of the Montana Right to Life Association and many other Montana citizens, and do not support

this bill or any other legislation which would remove protection of the right to life of the child before birth.

If this committee should decide that this bill is needed, however, we urge **THAT YOU** NOT REPEAL THE PRESENT MONTANA ABORTION LAWS. At most, only those sections which are superceded by legislation enacted by this body, if any, should be deleted.

Thank you.

WITNESS STATEMENT

Name Karen D Shapiro Date 2-12-05

Address Great Falls Support ?

Representing Mont. Right to Life Assoc. Oppose ? ✓

Which Bill ? HB 463 Amend ? ✓

Comments:

Even if a law should be required to continue Mont's protection of the unborn, this bill is not the law needed. It goes further than would be indicated by the recent US Supreme Court decision.

I am opposed to abortion, as are many members of the Montana Right to Life Assoc. & many other Mt. citizens. Should this committee decide, however, to use this bill as the vehicle to protect the unborn, there are some critical areas which must be amended:

1) Legislative Intent. As HB 463 now stands, its intent is to open Mont's doors wide to virtually unrestricted abortion. As proposed amend by a statement of leg. intent: "The Legislature reaffirms the tradition of the State of Mont. to protect every human life, whether unborn or aged, healthy or sick. In keeping with this tradition & in the spirit of our Constitution, we reaffirm the intent to extend the protection of the laws of Mt. in favor of all human life.

2) definition of abortion: should be "the act or application to intentionally terminate a pregnancy without live birth." The intention is to end the life of the unborn child.

3) abortions after the first trimester to be performed only according to procedures approved by the State Board of Health & ~~the~~

Please leave prepared statement with the committee secretary.

4) signed consent of the father should be required.

5) reporting of type of procedure, period of gestation, & any complications which result. DPHHS of Health to be empowered to establish regulations & reporting procedures to implement the act, & that the Dept of Health maintain statewide records of all operations under this act.

(over)

b) extend "conscience clause" to afford protection against discriminatory or coercive action. Amend to provide that "refusal by any person to participate in abortion cannot be made a consideration in the employment practices of any medical facility.

Finally, I urge you not to repeal present laws. At most, only those sections which are superseded by legislation enacted by this body (yours), should be deleted.

TESTIMONY GIVEN BY MONTANA HOSPITAL ASSOCIATION ON HOUSE BILL 463 BEFORE THE HOUSE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE - FEBRUARY 12, 1973

Mr. Chairman, members of the committee, for the record, I am William E. Leary, Executive Director of the Montana Hospital Association, and appear before you this evening on behalf of the 68 member institutions of the Association to submit this formal statement regarding House Bill 463.

The hospitals in the state of Montana are neither in support of nor in opposition to House Bill 463. We do have some serious concerns with the way the bill is written which has been further exemplified by the suggested amendments made here this evening.

The recent decision of the United States Supreme Court with regard to abortion is specifically directed to the extent of a State's authority to regulate abortion or make it a crime. We have not had the opportunity of reading in total the decisions of the Supreme Court but we have had the opportunity through our national organization of receiving a summarization of the Supreme Court's decision which stated in the Texas case, that:

"1. A state criminal abortion statute of the current Texas type, that excepts from criminality only a life saving procedure on behalf of the mother, without regard to pregnancy stage and without recognition of the other interests involved, is violative of the Due Process Clause of the Fourteenth Amendment.

"(a) For the state prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician.

"(b) For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

"(c) For the stage subsequent to viability, the State, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

"2. The State may define the term "physician", as it has been employed in the preceding numbered paragraphs of this Part XI of this opinion, to mean only a physician currently licensed by the State, and may proscribe any abortion by a person who is not a physician as so defined."

"Examples of state regulation in this area are requirements as to the qualifications of the person who is to perform the abortion; as to the licensure of that person; as to the facility in which the procedure is to be performed, that is, whether it must be a hospital or may be a clinic or some other place of less-than-hospital status; as to the licensing of the facility; and the like."

We are concerned that any new law providing for abortions in the state of Montana must have a well defined concise conscience clause whereby the right of conscience of hospitals, physicians and all health care personnel to refuse to participate in abortions is spelled out so that there can be no doubt in anyone's mind nor any challenge to this conscience clause in the future. We do not feel that the conscience clause in Section 2, paragraph 2, is written in such a manner to protect the hospital employees within their employer-employee relationship for that refusal.

The hospitals in this state fully realize that House Bill 463 may be the only vehicle whereby we can straighten out our present law and resolve the difficulty created within the local levels when a pregnant woman along with her physician's agreement seeks an abortion at a hospital and is refused that service.

We further recognize that the Attorney General has not as yet issued his official opinion relative to the legalities of the existing Montana law in relationship to the Supreme Court decision and respectfully seek his suggestions for changing the law in accordance with what is now apparently the law of the nation.

Because of the lack of the entire Supreme Court decision, the lack of the Attorney General's opinion, the concern that House Bill 463 needs to be extensively amended and studied at length because of its effect upon the citizens and the future citizens of the state of Montana, we do sincerely request that House Bill 463 be held over for the 1974 Session and that a special legislative committee be appointed to study this bill, the suggested amendments, and all the other ramifications of providing for a fair and impartial abortion law.

I pledge you the cooperation of all hospitals working through the Montana Hospital Association during the balance of 1973 in working with the legislative committee towards the development of good legislation in this matter.

Thank you.

To: Members of the House Committee on Public Health,

Welfare and Safety

Re: House Bill No. 463

The Montana Right-to-Life Association stands for a continuation of Montana's tradition of providing protection for human life, wherever and whenever it is presumed to exist - including the life of the unborn.

In an effort to assist the Legislature in continuing this traditional protection, especially in the light of recent Supreme Court decisions concerning abortion, we urge:

1° - Clarification by the Attorney General of the force of present Montana statutes concerning abortion;

2° - If it is necessary to enact new statutes to continue this protection, such laws should provide as much strict protection as possible.

House Bill No. 463 does not meet this requirement.

One solution is to reject this proposal and to enact one which does continue Montana's tradition of protecting all human life.

Another solution, less satisfactory, might be to amend House Bill No. 463 in many critical areas.

We urge your careful consideration of this entire complex matter, and offer our assistance in whatever way possible.

Montana Right-to-Life Association

Mrs. Cecelia Kopetski, Executive-Secretary
P.O. Box 451
Helena, Montana 59601
(phone 442-5825)

WITNESS STATEMENT

Name [illegible] Date 1/12/23

Address [illegible] Support ? _____

Representing myself Oppose ? [illegible]

Which Bill ? House Bill 463 Amend ? _____

Comments:

I feel there is no need to have the presentation from the hospitalization because I was in conflicting the position further consideration and through studying in regard to the rights of the individuals involved. I know the hospitals, doctors and mental personnel

I do believe in the people we elected there is a possibility of misconduct to the system of [illegible]

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Mrs Mary C Doubek Date Feb 2, 1973

Address 7645 N. Montana Ave. ~~Support?~~

Representing Motherhood Oppose ?! ✓ Yes

Which Bill ? HB463 ~~Amend ?~~

Comments:

I am opposed to HB463. I am shocked that life in the womb is no longer protected. If life in one area is going to be attacked, life can be attacked in other areas.

"Thou shalt not kill" is not an idle phrase. We are still "one nation under God" and under God we should obey His laws & commandments.

Please consider this. A woman has never had anything but a person, a baby. What else would her pregnancy yield? It has to be & is a person & as such is already protected by the Equal protection clause in our Constitution. The husbands' wishes should also be considered as he is the co-parent. It is a part of him — his seed and the fruit of the woman's womb is his. The unborn child is recognized as an heir by the courts, in other words is recognized as a person with rights.

Why not legislate laws with morality after all our laws should distinguish between good & evil — right & wrong. Please oppose this.

Please leave prepared statement with the committee secretary.

Also Mr Harper seems very biased towards Catholics and Catholics are not the only ones who object to abortion!!

WITNESS STATEMENT

Name Dana Ethridge Date 3/12/13

Address Box 221, Glasgow Support ?

Representing Life Oppose ? X

Which Bill ? House Bill 463 Amend ?

Comments:

I am a teenager and feel that I can represent many of my friends when I say I have discussed it with them. Life to me is a very precious thing. From the moment of conception until death, life is a continuous motion. It has compared by biologists - there is no break in this motion where all of a sudden it just ends and then it can be aborted. Abortion is the terminating of human life. Isn't that the definition of MURDER?? I understand totally as. Please don't pass this bill. I really don't think it is in the best interest of people. What many people say is that if you're against abortion, don't have one. And that is what they should do. So that they're having their child on the consent of someone.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name _____ Date _____

Address _____ Support ? _____

Representing _____ Oppose ? _____

Which Bill ? _____ Amend ? _____

Comments:

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Alice McCarthy Date 2/10/93

Address 2125 Billings Support ?

Representing Montana ~~Right~~ Right to Life Oppose ? X

Which Bill ? HB 463 Amend ? If necessary

Comments:

I oppose this HB 463 on the grounds it is a piece of poor legislation.

I urge the committee to table this bill - until the Supreme Court's decision on this term ~~term~~ ~~term~~ ~~term~~

WITNESS STATEMENT

Name Sister Joy Duff Date 2/12/73

Address St John Hospital Helena Support ? No.

Representing the unborn child's right to life Oppose ? yes.

Which Bill ? 463 Amend ?

Comments:

Just because a law is passed by the Supreme court or the state, it doesn't mean it is a just law. If it is unjust it doesn't mean we have to sit back and swallow it, saying "It's a law or, it's right because everyone is allowing it." We must consider the rights of all people, even the unborn. Taking a life is killing, no matter how young or how old the person is.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Mary C Brown Date 2-12-73

Address 1005 Ke[illegible] - Helena Mont Support ? _____

Representing Right To Life Oppose ? X

Which Bill ? HB463 Amend ? _____

Comments:

I do believe that human life begins at conception. This has been my belief for many years as a nurse and as a mother. The fetus is indeed a new, totally distinct individual and our U.S. Constitution has recognized his legal rights. Let us be sensible and show that Montanans can resist the urge to make a few fast bucks by doing a land office business in abortions and take the bill until next session.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Betty Murphy Date Feb 12/13

Address Wolf Creek Support ?

Representing Oppose ? ✓

Which Bill ? HB. 463 Amend ?

Comments: Please do not pass this bill
I am a Methodist

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name _____ Date 2-12-12

Address _____ Support ? _____

Representing _____ Oppose ? X

Which Bill ? 413 Amend ? _____

Comments:

I oppose this bill on the grounds that it would be an unfair burden on the taxpayers of this state.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Kimberly A. Simpkins Date 2-12-13

Address 530 Wilder Support ?

Representing Oppose ? X

Which Bill ? 463 Amend ?

Comments:

I am opposed to abortion because it breaks the laws of God.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Margaret Ferguson Date Feb. 12, '73

Address 325 Clark Helena, Mt. Support ?

Representing Teacher - Oppose ? ✓

Which Bill ? House Bill # 463 Amend ?

Comments:

I am opposed to the bill because of my belief in God and my right as a citizen of the United States and my Constitutional rights.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name John Doudera Jr MD Date 2-12-73

Address 7645 No. Montana Support ? _____

Representing The unborn Oppose ? V

Which Bill ? 463 Amend ? _____

Comments:

1) To say "Catholics only" oppose this bill is fallacious. History proves that men of many faiths oppose abortion, (Risen - Abortion - the myths - the Realities.)

2. Life is a totally HUMAN ISSUE not religious.

3. Life is inalienable - a gift of God. The "unwanted" child is only unwanted by one or both parents - today any honest OB GYN physician will tell you he has more requests for children - than for abortion - by far.

4. A legal extension of abortion is euthanasia. The whole maze hoopla regarding life started with a "voluntary" abortion bill.

5. Our greatness as a nation will decline very rapidly when we disregard the sacredness of life.

6. Abortion is a destructive device - a sad replacement for love which we must show for one another.

7. Our family (9 of us) want any child that could be saved of abortion - there are many of us who would open our homes & hearts to the "unwanted".

8. For God's sake wait - do not pass this bill.

John Doudera Jr MD

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Sister Margaret Quirk Date 2/12/73

Address 25 S. Ewing Support ?

Representing ~~opposition To this Bill~~ Oppose ? X

Which Bill ? Bill 463 Amend ?

Comments:

Medically proven life begins at conception. We can kid ourselves & rationalize but who can ~~justify~~ Murder.

Unborn Child should have rights also.

No-one or any hospital should ~~not~~ be forced to participate in abortion.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Eleanor Pratt Date 2-12-73

Address 1432 S. 3rd, Bozeman Support ? ✓

Representing Women Oppose ?

Which Bill ? HB 463 Amend ?

Comments:

If the Supreme Court decision is not implemented, Montana will in effect have no laws governing abortion. In fact, as of January 22, 1973, there is no law relating to any procedures regarding termination of pregnancy.

If Montana wants a law, then it must take it upon itself to pass one.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Colette Etchart Date Feb.

Address Box 229 Glasgow, Montana Support ? NO

Representing Life Oppose ? X

Which Bill ? 463 (House Bill) Amend ?

Comments:

I'm a 21 yr. old working girl who knows this controversy to be so important that I would comed to the Capital to speak up. Abortion is merely a nice word for murder. And I'll love life. If my own goverment does not protect life anymore, I fear that the very roots of American ideals have been torn from the earth. Please protect <u>every</u> persons right to life.

Please leave prepared statement with the committee secretary.

February 14, 1973

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the Public Health, Welfare and Safety Committee was held on Wednesday, February 14, 1973 at 8:00 a.m. in Room 428A with chairman Bob Lee presiding. Al members were present except Rep. Zimmer, who was excused.

No hearings were held. The following action was taken:

HB # 202 (rereferred to) -- Rep. Jones moved to amend . on page 2, section 2, by striking subsection (1), and renumber subsequent subsections accordingly. Discussion followed. Motion failed. Rep. Marbut thn moved that as SO AMENDED DO PASS (per previous approved amendments) As a substitute motion, Rep. Hall moved that a new section 7 be added, and the title be amended accordingly. Rep. Marbut withdrew his motion. Unanimous consent of the substitute motion. Rep. Driscoll then moved to amend on page 5, line 2 by inserting "or registered pharmacist". Motion carried, Fagg opposed. Rep Marbut then that HB 202 DO PASS AS AMENDED. Those in favor -- Representatives Norman, Marbut, Brown, Driscoll, Bennetts, Fagg, Holmes, Hall, and Yardley, Opposed: Representatives Healy, Turner, McKittrick, Jones, Asbjornson and Olson. Motion carried. For the record, Rep. Zimmer, who was excused was opposed.

HB # 423 -- Amendments were offered. Rep. Marbut moved adoption of the proposed amendments. Unanimous consent of the committee. Rep. Marbut then moved DO PASS AS AMENDED. Motion carried unanimously.

HB # 320 -- Rep. Fagg offered amendments, and moved they be adopted. Motion carried; Rep. Jones opposed. Rep. McKittrick then moved that the following amendment "No portion of this bill shall apply to outdoor movies before January 1, 1974." be adopted. Motion carried unanimously. Rep. Hall then moved adoption of the amendment on section 4 of the revised form of the bill. Motion carried; Representatives Jones and Olson opposed. Rep. Fagg then moved that AS AMENDED HB 320 DO PASS. Motion carried; Jones opposed.

HB # 463 -- Rep. Jones moved that it be HELD OVER until 1974. As a substitute motion Rep. Healy moved it DO NOT PASS. Substitute motion failed (see roll call vote). Rep. Jones withdrew his motion. Rep. McKittrick then offered some amendments and moved that HB 463 DO PASS AS AMENDED. (by his amendments and Rep. Hall's) As a substitute motion, Rep Hall moved that section (c) of McKittrick' amendments be stricken. Motion failed. (see roll call vote). Rep. Hall then moved to amend section (c) to read "signed consent of the husband of the prospective mother if the mother is married has been obtained". Motion failed. Rep. McKittrick then moved that HB 463 AS AMENDED DO PASS. As a substitute motion, Rep. Marbut moved that as amended it be HELD OVER. Rep. Holmes then made a substitute motion to all motions pending that McKittrick's amendments be amended in subsection (3) Paragraph (e) by adding (copy enclosed). Motion carried unanimously. Marbut's substitute motion was then voted on. (Roll call vote) Motion failed. Rep. McKittrick's motion was then voted on. (roll call vote) Motion failed. Rep. Jones then moved that the committee reconsider their action on HB 463. (Motion to DO PASS AS AMENDED) Motion carried (Roll call vote). Rep. Fagg then moved [illegible] HB 463 DO PASS AS AMENDED.

Motion carried (see roll call vote).

HB # 521 -- Rep. Hall moved DO NOT PASS. Motion failed (see roll call vote). Rep. Driscoll then moved that it be HELD OVER. Motion carried (see roll call).

Bob Lee
Chairman

Debbie Jakovac
Secretary

Pat McKittrick - amendments - HB 463

Proposed amendments are typed in italics; remainder of the text is as proposed in House Bill 463.

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR *A CONTINUATION OF THE TRADITION OF MONTANA IN PROTECTING HUMAN LIFE, AND FOR REGULATIONS CONCERNING* ABORTION IN THE STATE OF MONTANA AND FURTHER PROVIDING THE CONDITIONS UNDER WHICH AN ABORTION MAY BE PERFORMED; PROVIDING PENALTIES; AND *SUPERCEDING CERTAIN PROVISIONS OF* SECTIONS 94-401 AND 94-402, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. The Legislature reaffirms the tradition of the State of Montana to protect every human life, whether unborn or aged, healthy or sick. In keeping with this tradition and in the spirit of our Constitution, we reaffirm the intent to extend the protection of the laws of Montana in favor of all human life.

Section 2. An "abortion" means any act or operation to intentionally terminate a pregnancy *without live birth.*

Section 3. (1) No abortion may be performed in the State of Montana, unless:

(a) such abortion is performed by a *physician currently licensed by this State,* in a medical office, clinic or hospital;

(b) the operation is performed before *approximately the end of the first trimester; or, if after approximately the end of the first trimester, only according to procedures approved by the State Board of Health; but not after viability or approximately the end of the sixth month.*

(c) signed consent of the father has been obtained.

(d) complete and accurate records *as to the type of procedure, period of gestation, and any complications* of each abortion are kept and maintained by the physician or surgeon and the medical facility, *and are submitted to the State Department of Health within thirty (30) days of the operation.* The names of all persons submitting to an abortion shall remain confidential.

(e)

more...

P. 2 - McKittrick

(2) Nothing in this section shall require any hospital, clinic or any person to participate in such abortion. Nor shall any hospital, clinic or person be held liable for such refusal, *nor shall the same be subject to any disciplinary or recriminatory action for such refusal, nor may refusal by any person to participate in abortion be made a consideration in employment practices of any medical facility.*

Section 4. Any person who knowingly and intentionally violates this act shall be fined not more than one thousand *dollars* ($1,000) or imprisoned in the state prison not more than five (5) years, or both such fine and imprisonment.

Section 5. Nothing in this act shall penalize a person for, or prohibit an abortion performed at any time by a licensed physician where it is necessary in appropriate medical judgment for the preservation of the life or health of the mother.

Section 6. The State Board of Health shall establish regulations and reporting procedures to implement the provisions of this act.

Section 7. It is the intent of the legislature that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid application.

Section 8. see amendment

~~Section 8.~~ *Insofar as the provisions of* Sections 94-401 and 94-402, R.C.M. 1947, are *not superceded by this act, they remain in force.*

- *END* -

HB 463

Section

Rep. Holmes

(e) the prospective mother has engaged in at least two consultations with a counselor who has been approved by a Montana mental health clinic.

Rep. Hall

S Section 8. It is the intent of the legislature to restrict abortion to the extent permissible under decisions of the appropriate courts or paramount legislation. Should such decisions or paramount legislation permit furthr restrictions at any time hereafter, sections 94-401 and 94-402, R.C.M. 1947, shall be deemed to include such further restrictions, the legislature not hereby delegating authority, but intending, rather, to preserve the restrictions in such sections to the greatest extent possible.

For this reason, sections 94-401 and 94 =402, R.C.M. 1947, are not hereby repealed but are retained in force, subject to the restrictions in this act set forth and only as limited by said court decisions and paramount law.

MONTANA STATE HOUSE OF REPRESENTATIVES

stock short 8

PUBLIC HEALTH, WELFARE AND SAFETY

Chairman - Robert E. Lee - D - Dist. # 20

Vice Chairman - Bill Norman - D - Dist. # 18 87

J. O. Asbjornson - R - Dist. # 10 16

Barbara K. Bennetts - D - Dist. # 12 94

Robert J. Brown - R - Dist. # 16 66

John B. Driscoll - D - Dist. # 22 7

Harrison G. Fagg - R - Dist. # 8 25

John C. Hall - D - Dist. # 13 45

John E. Healy - D - Dist. # 20 30

Polly Holmes - D - Dist. # 8 59

Tom L. Jones - R - Dist. # 16 77

Gary R. Marbut - R - Dist. # 18 2

Pat McKittrick - D - Dist. # 13 72

S. A. Olson - R - Dist. # 3 14

Clyde A. Turner - R - Dist. # 16 67

Dan Yardley - D - Dist. # 11 76

William Zimmer - D - Dist. # 16 83

ROLL CALL

PUB. HEALTH, WELFARE & SAFETY COMMITTEE

43 rd LEGISLATIVE SESSION 1973

DATE	1/4	1/9	1/11	1/16	1/18	1/23	1/25	1/30	2/1	2/6	2/8	2/13	2/15	2/19	2/14	
LEE, ROBERT E. (CHAIRMAN)																
NORMAN, BILL (VICE CHAIRMAN)																
ASBJORNSON, J. O.	exc		exc.					exc					exc			
BENNETTS, BARBARA K.				ab						exc						
BROWN, ROBERT J.																
DRISCOLL, JOHN B.																
FAGG, HARRISON G.				ab												
HALL, JOHN C.																
HEALY, JOHN E.																
HOLMES, POLLY		exc		ab						exc						
JONES, TOM L.																
MARBUT, GARY R.			exc.							exc		exc	exc			
McKITTRICK, PAT			exc.													
OLSON, S. A.																
TURNER, CLYDE																
YARDLEY, DAN											ab					
ZIMMER, WILLIAM					exc						exc	exc				

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

43 rd LEGISLATIVE SESSION 1973

DATE	2/5	2/12	2/21		3/1	3/3	3/8
Lee, Bob (Chairman)				AYE			
Norman, Bill (Vice ")							ab
Asbjornson, J.O.					ex c.		
Bennetts, Barbara K.				NO			ab
Brown, Robert J.				AYE			ab
Driscoll, John B.				AYE			ab
Fagg, Harrison		ab				ex c.	ex c.
John Hall				NO			ab
John Healy				ex c.			
Holmes, Polly				NO			
Jones, Tom				AYE			
Marbut, Gary	ex c.			NO			ex c.
McKittrick, Pat		ab		NO			
Olson, S.A.				AYE			
Turner, Clyde				AYE			
Yardley, Dan					ex c.		
Zimmer, William	ex c.		ex c.				

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

43 rd LEGISLATIVE SESSION 1973

MARCH - EXTRAORDINARY SESSION

DATE	13	15
Robert E. Lee	✓	✓
Bill Norman	✓	E
J. O. Asbjornson	✓	✓
Barbara K. Bennetts	✓	E
Robert J. Brown	E	✓
John B. Driscoll	✓	✓
Harrison G. Fagg	E	E
John C. Hall	✓	E
John E. Healy	✓	E
Polly Holmes	✓	✓
Tom L. Jones	✓	✓
Gary R. Marbut	✓	✓
Pat McKittrick	✓	E
S. A. Olson	✓	✓
Clyde A. Turner	✓	✓
Dan Yardley	✓	E
William Zimmer	✓	✓

43rd LEGISLATIVE SESSION 1973

ROLL CALL VOTE --- PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

	Date: No:	Date: No:	Date: 2-14 No: 462 Sustained (1) p2	Date: 2/14 No: 502 Indefinitely postponed	Date: 2/14 No: 463 Do not Pass	Date: 2/14 No: 463	Date: 2/14 No: 463	Date: No:
LEE, ROBERT E. (CHAIRMAN)			abstain	abstained	abstained	abstained	abstained	abstained
NORMAN, BILL (VICE CHAIRMAN)			no	AYE	AYE	NO	No	AYE
ASBJORNSON, J. O.			no	NO	AYE	NO	No	AYE
BENNETTS, BARBARA K.				AYE	NO	AYE	AYE	AYE
BROWN, ROBERT J.			no	AYE	No	No	No	NO
DRISCOLL, JOHN B.			no	AYE	Aye	NO	No	No
FAGG, HARRISON G.			no	AYE	No	No	NO	No
HALL, JOHN C.			no	AYE	absent	AYE	AYE	No
HEALY, JOHN E.			no	NO	AYE	NO	NO	NO
HOLMES, POLLY			no	AYE	NO	AYE	AYE	NO
JONES, TOM L.			no	NO	AYE	NO	No	AYE
MARBUT, GARY R.			no	AYE	NO	AYE	AYE	AYE
McKITTRICK, PAT			no	NO	No	No	NO	NO
OLSON, S. A.			no	NO	No	NO	NO	AYE
TURNER, CLYDE A.			no	NO	No	AYE	AYE	NO
YARDLEY, DAN			no	AYE	NO	AYE	AYE	NO
ZIMMER, WILLIAM				absent	absent	absent	absent	absent

43rd LEGISLATIVE SESSION 1973

ROLL CALL VOTE --- PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

	Date: 2/14 No: 463	Date: 2/14 No: 463	Date: 2/14 No: 463	Date: 2/14 No: 521	Date: 2/14 No: 521	Date: No:	Date: No:	Date: No:
	Do not pass	Do pass as amended	Do pass as amended	Do not pass	Do not pass			
Lee, Bob (Chairman)	abstain	abstain	abstain	abstained	abstained			
Norman, Bill (V.Chman)	NO	NO	NO	NO	NO			
Asbjornson, J.O.	NO	AYE	AYE	AYE	AYE			
Bennetts, Barbara K.	NO	NO	NO	NO	AYE			
Brown, Robert J.	AYE	AYE	AYE	AYE	AYE			
Driscoll, John B.	AYE	AYE	AYE	NO	AYE			
Fagg, Harrison G.	AYE	AYE	AYE	NO	AYE			
Hall, John C.	abstain	AYE	AYE	AYE	NO			
Healy, John E.	NO	NO	NO	NO	NO			
Holmes, Polly	AYE	AYE	AYE	NO	AYE			
Jones, Tom L.	NO	AYE	AYE	NO	aye			
Marbut, Gary R.	NO	AYE	NO	absent	absent			
McKittrick, Pat	AYE	AYE	AYE	AYE	NO			
Olson, S.A.	NO	AYE	NO	NO	aye			
Turner, Clyde	NO	AYE	abstain	AYE	AYE			
Yardley, Dan	NO	AYE	NO	absent	absent			
Zimmer, William	absent	absent	absent	absent	absent			

PUB. HEALTH, WELFARE & SAFETY COMMITTEE

43rd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
HB # 456 LEE (BY REQ.)	RELATING TO THE ELECTRICAL SAFETY LAW - RELATING TO THE NATIONAL ELECTRICAL CODE.	1 - 26	2-13		2 - 13	DO PASS	
HB # 463 HARPER, GREELY, ET AL	LIBERALIZED ABORTIONS FOR MONTANA, PROVIDING DEFINITIONS AND RESTRICTIONS.	1 - 27	2 - 12		2 - 14	DO PASS AS AMENDED	
HB # 464 KESSNER	AUTHORIZING USE OF PHYSICIANS' TRAINED MOBILE INTENSIVE CARE PARAMEDICS UNDER CERTAIN CONDITIONS	1 - 27	2 - 13		2 - 13	DO NOT PASS	
HB # 511 lee (BY REQ.)	RIGHT OF ENTRY TO THE ELECTRICAL INSPECTOR IN THE DISCHARGE OF HIS DUTIES OF INSPECTION.	1 - 30	2 - 13		2 - 13	DO NOT PASS	KILLED
HB # 521 NORMAN, ROBERTS	USE OF IDENTIFYING DEVICES, AND TO PROVIDE FOR THE DUTY OWED DISABLED PERSONS.	1 - 30	2 - 13		2 - 14	BE HELD OVER	BE HELD OVER
HB # 539 MARKS	AUTHORIZING THE STATE, ETC. TO APPLY FINES COLLECTED FOR 32-2142, RCM 1947 TO ALCOHOLIC OR DRUG PROGRAMS.	2 - 1	2 - 10		2 - 10	BE HELD OVER	BE HELD OVER

House BILL NO. 463

INTRODUCED BY H. Hagen Duffy Gunderson Bradley
Swanberg Iverson Klein Bennetts
94-401, 94-402 Castles Turman Sheldon

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR ABORTION IN THE STATE OF MONTANA AND FURTHER PROVIDING THE CONDITIONS UNDER WHICH AN ABORTION MAY BE PERFORMED; PROVIDING PENALTIES; AND REPEALING SECTIONS 94-401 AND 94-402, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. An "abortion" means any act or operation to intentionally terminate a pregnancy.

Section 2. (1) No abortion may be performed in the state of Montana unless:

(a) such abortion is performed by a licensed medical practitioner in a medical office, clinic, or hospital;

(b) the operation is performed before the end of the sixth month of pregnancy;

(c) complete and accurate records of each abortion are kept and maintained by the physician or surgeon and the medical facility. The names of all persons submitting to an abortion shall remain confidential.

INTRODUCED BILL

(2) Nothing in this section shall require any hospital, clinic or any person to participate in such abortion nor shall any hospital, clinic or any person be liable for such refusal.

Section 3. Any person who knowingly and intentionally violates this act shall be fined not more than one thousand dollars ($1,000) or imprisoned in the state prison not more than five (5) years, or both such fine and imprisonment.

Section 4. Nothing in this act shall penalize a person for, or prohibit an abortion performed at any time by a licensed physician where it is necessary in appropriate medical judgment for the preservation of the life or health of the mother.

Section 5. It is the intent of the legislature that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Sections 94-401 and 94-402, R.C.M. 1947, are repealed.

-End-

HOUSE BILL NO. 463

INTRODUCED BY H. HARPER, GREELY, GUNDERSON, BRADLEY, SWANBERG, HUENNEKENS, BENNETTS, CASTLES, TURMAN, SHELDEN

94-401, 94-402

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A CONTINUATION OF THE TRADITION OF MONTANA IN PROTECTING HUMAN LIFE, AND FOR REGULATIONS CONCERNING ABORTION IN THE STATE OF MONTANA AND FURTHER PROVIDING THE CONDITIONS UNDER WHICH AN ABORTION MAY BE PERFORMED; PROVIDING PENALTIES; AND ~~REPEALING~~ SUPERSEDING CERTAIN PROVISIONS OF SECTIONS 94-401 AND 94-402, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

~~Section 1. An "abortion" means any act or operation to intentionally terminate a pregnancy.~~

~~Section 2. (1) No abortion may be performed in the state of Montana unless:~~

~~(a) such abortion is performed by a licensed medical practitioner in a medical office, clinic, or hospital;~~

~~(b) the operation is performed before the end of the sixth month of pregnancy;~~

~~(c) complete and accurate records of each abortion~~

SECOND READING

~~are--kept-and-maintained-by-the-physician-or-surgeon-and-the medical-facility.--The-names-of-all-persons-submitting-to-an abortion-shall-remain-confidential.~~

~~(2)-Nothing-in-this-section-shall-require-any-hospital, clinic-or-any-person-to-participate--in--such--abortion--nor shall--any-hospital,-clinic-or-any-person-be-liable-for-such refusal.~~

~~Section-3.--Any-person-who-knowingly-and--intentionally violates--this-act-shall-be-fined-not-more-than-one-thousand dollars-($1,000)-or-imprisoned-in-the-state-prison-not--more than-five-(5)-years,-or-both-such-fine-and-imprisonment.~~

~~Section-4. Nothing--in--this--act--shall--penalize--a person-for,-or-prohibit-an-abortion-performed-at-any-time-by a--licensed--physician--where-it-is-necessary-in-appropriate medical-judgment-for-the-preservation-of-the-life-or--health of-the-mother.~~

~~Section-5. It-is-the-intent-of-the--legislature--that if--a--part-of-this-act-is-invalid,-all-valid-parts-that-are severable-from-the-invalid-part-remain-in-effect.--If-a-part of-this-act-is-invalid-in-one-or-more-of--its--applications, the--part--remains--in-effect-in-all-valid-applications-that are-severable-from-the-invalid-applications.~~

~~Section-6.--Sections-94-401-and-94-402,--R.C.M.---1947, are-repealed.~~

SECTION 1. THE LEGISLATURE REAFFIRMS THE TRADITION OF

THE STATE OF MONTANA TO PROTECT EVERY HUMAN LIFE, WHETHER UNBORN OR AGED, HEALTHY OR SICK. IN KEEPING WITH THIS TRADITION AND IN THE SPIRIT OF OUR CONSTITUTION, WE REAFFIRM THE INTENT TO EXTEND THE PROTECTION OF THE LAWS OF MONTANA IN FAVOR OF ALL HUMAN LIFE.

SECTION 2. AN "ABORTION" MEANS ANY ACT OR OPERATION TO INTENTIONALLY TERMINATE A PREGNANCY WITHOUT LIVE BIRTH.

SECTION 3. (1) NO ABORTION MAY BE PERFORMED IN THE STATE OF MONTANA UNLESS:

(A) SUCH ABORTION IS PERFORMED BY A PHYSICIAN CURRENTLY LICENSED BY THIS STATE, IN A MEDICAL OFFICE, CLINIC OR HOSPITAL;

(B) THE OPERATION IS PERFORMED BEFORE APPROXIMATELY THE END OF THE FIRST TRIMESTER; OR, IF AFTER APPROXIMATELY THE END OF THE FIRST TRIMESTER, ONLY ACCORDING TO PROCEDURES APPROVED BY THE STATE BOARD OF HEALTH; BUT NOT AFTER VIABILITY OR APPROXIMATELY THE END OF THE SIXTH MONTH.

(C) SIGNED CONSENT OF THE FATHER HAS BEEN OBTAINED.

(D) COMPLETE AND ACCURATE RECORDS AS TO THE TYPE OF PROCEDURE, PERIOD OF GESTATION, AND ANY COMPLICATIONS OF EACH ABORTION ARE KEPT AND MAINTAINED BY THE PHYSICIAN OR SURGEON AND THE MEDICAL FACILITY, AND ARE SUBMITTED TO THE STATE DEPARTMENT OF HEALTH WITHIN THIRTY (30) DAYS OF THE OPERATION. THE NAMES OF ALL PERSONS SUBMITTING TO AN ABORTION SHALL REMAIN CONFIDENTIAL.

(E) THE PROSPECTIVE MOTHER HAD ENGAGED IN AT LEAST TWO CONSULTATIONS WITH A COUNSELOR WHO HAS BEEN APPROVED BY A MONTANA MENTAL HEALTH CLINIC.

(2) NOTHING IN THIS SECTION SHALL REQUIRE ANY HOSPITAL, CLINIC OR ANY PERSON TO PARTICIPATE IN SUCH ABORTION. NOR SHALL ANY HOSPITAL, CLINIC OR PERSON BE HELD LIABLE FOR SUCH REFUSAL, NOR SHALL THE SAME BE SUBJECT TO ANY DISCIPLINARY OR RECRIMINATORY ACTION FOR SUCH REFUSAL, NOR MAY REFUSAL BY ANY PERSON TO PARTICIPATE IN ABORTION BE MADE A CONSIDERATION IN EMPLOYMENT PRACTICES OF ANY MEDICAL FACILITY.

SECTION 4. ANY PERSON WHO KNOWINGLY AND INTENTIONALLY VIOLATES THIS ACT SHALL BE FINED NOT MORE THAN ONE THOUSAND DOLLARS ($1,000) OR IMPRISONED IN THE STATE PRISON NOT MORE THAN FIVE (5) YEARS, OR BOTH SUCH FINE AND IMPRISONMENT.

SECTION 5. NOTHING IN THIS ACT SHALL PENALIZE A PERSON FOR, OR PROHIBIT AN ABORTION PERFORMED AT ANY TIME BY A LICENSED PHYSICIAN WHERE IT IS NECESSARY IN APPROPRIATE MEDICAL JUDGMENT FOR THE PRESERVATION OF THE LIFE OR HEALTH OF THE MOTHER.

SECTION 6. THE STATE BOARD OF HEALTH SHALL ESTABLISH REGULATIONS AND REPORTING PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS ACT.

SECTION 7. IT IS THE INTENT OF THE LEGISLATURE THAT IF A PART OF THIS ACT IS INVALID, ALL VALID PARTS THAT ARE

(E) THE PROSPECTIVE MOTHER HAD ENGAGED IN AT LEAST TWO CONSULTATIONS WITH A COUNSELOR WHO HAS BEEN APPROVED BY A MONTANA MENTAL HEALTH CLINIC.

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SECTION 7. IT IS THE INTENT OF THE LEGISLATURE THAT IF A PART OF THIS ACT IS INVALID, ALL VALID PARTS THAT ARE

SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID APPLICATION.

SECTION 8. IT IS THE INTENT OF THE LEGISLATURE TO RESTRICT ABORTION TO THE EXTENT PERMISSIBLE UNDER DECISIONS OF THE APPROPRIATE COURTS OR PARAMOUNT LEGISLATION. SHOULD SUCH DECISIONS OR PARAMOUNT LEGISLATION PERMIT FURTHER RESTRICTIONS AT ANY TIME HEREAFTER, SECTIONS 94-401 AND 94-402, R.C.M. 1947, SHALL BE DEEMED TO INCLUDE SUCH FURTHER RESTRICTIONS, THE LEGISLATURE NOT HEREBY DELEGATING AUTHORITY, BUT INTENDING, RATHER, TO PRESERVE THE RESTRICTIONS IN SUCH SECTIONS TO THE GREATEST EXTENT POSSIBLE.

FOR THIS REASON, SECTIONS 94-401 AND 94-402, R.C.M. 1947, ARE NOT HEREBY REPEALED BUT ARE RETAINED IN FORCE, SUBJECT TO THE RESTRICTIONS IN THIS ACT SET FORTH AND ONLY AS LIMITED BY SAID COURT DECISIONS AND PARAMOUNT LAW. INSOFAR AS THE PROVISIONS OF SECTIONS 94-401 AND 94-402, R.C.M. 1947, ARE NOT SUPERSEDED BY THIS ACT, THEY REMAIN IN FORCE.

-End-

SENATE JUDICIARY COMMITTEE---March 8, 1973

Senator McKeon called the meeting to order; all members were present with the exception of Senator Hall who was ill. The first bill discussed was HB 26. Senator McKeon suggested the following amendments:

Page 1, line 20 by striking the words "at which any county officers" and in line 22 by striking "except county commissioners are to be elected or at anytime have appointed county officers"

Senator Turnage seconded the amendments and the committee voted to adopt them. Senate Turnage moved the bill be concurred in as amended; Senate Mathers seconded the motion; and the committee unanimously voted this billAS AMENDED BE CONCURRED IN.

HB 373 was discussed. Sponsor, Rep. Edland, spoke briefly on the bill. Senator Mathers moved the bill be concurred in; Sen. Boylan seconded the motion and the committee unanimously voted this bill BE CONCURRED IN.

HB 458 was discussed briefly--Jim Carden, representing Workmen's Compensation spoke. Senator Gilfeather moved this bill be concurred in; Senator Mathers seconded the motion; and the committee unanimously voted this bill BE CONCURRED IN.

HB 465, sponsored by Rep. Baucus who spoke was discussed next. Also speaking were A. W. Clarkson who submitted his testimony and Hal Price representing the State Planning Division also spoke in support of the bill. No action was taken on the bill.

HB 342 sponsored by Rep. Fagg who spoke. Senator Harrison moved this bill be not concurred in; Senator Moore seconded the motion and the committee voted that this bill BE NOT CONCURRED IN.

HB 409 was also discussed. Senator Boylan moved this bill be not concurred in; Senator Harrison seconded the motion; and the committee voted this bill BE NOT CONCURRED IN.

SB 112 which was heard by the committee was re-referred to the committee. Senator Gilfeather moved this bill be held over; Senator Mathers seconded the motion; and the committee voted this bill be HELD OVER THE INTERIM.

SR 22 was discussed and Wallace Edland appeared in the absence of Senator Bollinger, sponsore of the bill. Amendments proposed by Sen. Bollinger were adopted by the committee. Senator Gilfeather moved the bill be held; Senator Harrison seconded the motion; and the committee voted this bill BE HELD OVER THE INTERIM.

HB 320 was discussed. Dick Dzivi, representing the Montana Theatres Assoc. offered amendments. (attached) Senator Turnage moved to adopt the amendments; Senator Boylan seconded the motion. Senator Turnage moved the bill as amended be concurred in; Senator Harrison seconded the motion; and the committee moved the bill AS AMENDED BE CONCURRED IN.

HB 463 was discussed also. Senator McNamer spoke to the committee about the amendments he proposed at the hearing on this bill March 5. The committee discussed whether Sections 1, 2, and 3 should be left in the bill or stricken. Senator Gilfeather and Sen. Harrison thought that these sections would endanger the hospitals and leave them open for lawsuit when the constitutionality of these sections was questioned. Senator Moore felt that the committee should follow the lead of the Attorney General and leave these sections in until they were stricken.

Senator Moore moved that the title be amended in line 9 by striking "and for regulation concerning abortion in the state of Montana. Senator Boylan seconded the motion and the committee adopted the amendment. Sen. Moore also moved the adoption of Senator McNamer's amendments; Senator Boylan seconded the motion and the committee adopted the amendments.

Senator Moore moved this bill as amended by concurred in; Senator Mathers seconded the motion; and the committee moved this bill AS AMENDED BE CONCURRED IN.

Luke McKeon, Chairman

HOUSE BILL NO. 463

INTRODUCED BY H. HARPER, GREELY, GUNDERSON, BRADLEY, SWANBERG, HUENNEKENS, BENNETTS, CASTLES, TURMAN, SHELDEN

94-401, 94-402

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A CONTINUATION OF THE TRADITION OF MONTANA IN PROTECTING HUMAN LIFE, AND FOR REGULATIONS CONCERNING ABORTION IN THE STATE OF MONTANA AND FURTHER PROVIDING THE CONDITIONS UNDER WHICH AN ABORTION MAY BE PERFORMED; PROVIDING PENALTIES; AND ~~REPEALING~~ SUPERSEDING CERTAIN PROVISIONS OF SECTIONS 94-401 AND 94-402, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

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~~(a) such abortion is performed by a licensed medical practitioner in a medical office, clinic, or hospital;~~

~~(b) the operation is performed before the end of the sixth month of pregnancy;~~

~~(c) complete and accurate records of each abortion~~

THIRD READING

~~are--kept-and-maintained-by-the-physician-or-surgeon-and-the medical-facility.--The-names-of-all-persons-submitting-to-an abortion-shall-remain-confidential.~~

~~(2)-Nothing-in-this-section-shall-require-any-hospital, clinic-or-any-person-to-participate--in--such--abortion--nor shall--any-hospital,-clinic-or-any-person-be-liable-for-such refusal.~~

~~Section-3.--Any-person-who-knowingly-and--intentionally violates--this-act-shall-be-fined-not-more-than-one-thousand dollars-($1,000)-or-imprisoned-in-the-state-prison-not--more than-five-(5)-years,-or-both-such-fine-and-imprisonment.~~

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~~Section-6.--Sections-94-401-and-94-402,--R.C.M.---1947, are-repealed.~~

SECTION 1. THE LEGISLATURE REAFFIRMS THE TRADITION OF

THE STATE OF MONTANA TO PROTECT EVERY HUMAN LIFE, WHETHER UNBORN OR AGED, HEALTHY OR SICK. IN KEEPING WITH THIS TRADITION AND IN THE SPIRIT OF OUR CONSTITUTION, WE REAFFIRM THE INTENT TO EXTEND THE PROTECTION OF THE LAWS OF MONTANA IN FAVOR OF ALL HUMAN LIFE. WITH THIS IN MIND, WE BELIEVE THAT THE PROSPECTIVE MOTHER SHOULD MAKE HER DECISION WITH REGARD TO AN ABORTION AFTER COUNSELING AND WHENEVER POSSIBLE, WITH THE CONSENT OF ALL PERSONS DIRECTLY CONCERNED, INCLUDING THE FATHER.

SECTION 2. AN "ABORTION" MEANS ANY ACT OR OPERATION TO INTENTIONALLY TERMINATE A PREGNANCY WITHOUT LIVE BIRTH.

SECTION 3. (1) NO ABORTION MAY BE PERFORMED IN THE STATE OF MONTANA UNLESS:

(A) SUCH ABORTION IS PERFORMED BY A PHYSICIAN CURRENTLY LICENSED BY THIS STATE, IN A MEDICAL OFFICE, CLINIC OR HOSPITAL;

(B) THE OPERATION IS PERFORMED BEFORE APPROXIMATELY THE END OF THE FIRST TRIMESTER; OR, IF AFTER APPROXIMATELY THE END OF THE FIRST TRIMESTER, ONLY ACCORDING TO PROCEDURES APPROVED BY THE STATE BOARD OF HEALTH; BUT NOT AFTER VIABILITY OR APPROXIMATELY THE END OF THE SIXTH MONTH.

~~(C) SIGNED CONSENT OF THE FATHER HAS BEEN OBTAINED.~~

~~(D)~~ (C) COMPLETE AND ACCURATE RECORDS AS TO THE TYPE OF PROCEDURE, PERIOD OF GESTATION, AND ANY COMPLICATIONS OF EACH ABORTION ARE KEPT AND MAINTAINED BY THE PHYSICIAN OR

SURGEON AND THE MEDICAL FACILITY, AND ARE SUBMITTED TO THE STATE DEPARTMENT OF HEALTH WITHIN THIRTY (30) DAYS OF THE OPERATION. THE NAMES OF ALL PERSONS SUBMITTING TO AN ABORTION SHALL REMAIN CONFIDENTIAL.

~~(B) THE PROSPECTIVE MOTHER HAD ENGAGED IN AT LEAST TWO CONSULTATIONS WITH A COUNSELOR WHO HAS BEEN APPROVED BY A MONTANA MENTAL HEALTH CLINIC.~~

(2) NOTHING IN THIS SECTION SHALL REQUIRE ANY HOSPITAL, CLINIC OR ANY PERSON TO PARTICIPATE IN SUCH ABORTION. NOR SHALL ANY HOSPITAL, CLINIC OR PERSON BE HELD LIABLE FOR SUCH REFUSAL, NOR SHALL THE SAME BE SUBJECT TO ANY DISCIPLINARY OR RECRIMINATORY ACTION FOR SUCH REFUSAL, NOR MAY REFUSAL BY ANY PERSON TO PARTICIPATE IN ABORTION BE MADE A CONSIDERATION IN EMPLOYMENT PRACTICES OF ANY MEDICAL FACILITY.

SECTION 4. ANY PERSON WHO KNOWINGLY AND INTENTIONALLY VIOLATES THIS ACT SHALL BE FINED NOT MORE THAN ONE THOUSAND DOLLARS ($1,000) OR IMPRISONED IN THE STATE PRISON NOT MORE THAN FIVE (5) YEARS, OR BOTH SUCH FINE AND IMPRISONMENT.

SECTION 5. NOTHING IN THIS ACT SHALL PENALIZE A PERSON FOR, OR PROHIBIT AN ABORTION PERFORMED AT ANY TIME BY A LICENSED PHYSICIAN WHERE IT IS NECESSARY IN APPROPRIATE MEDICAL JUDGMENT FOR THE PRESERVATION OF THE LIFE OR HEALTH OF THE MOTHER.

SECTION 6. THE STATE BOARD OF HEALTH SHALL ESTABLISH

REGULATIONS AND REPORTING PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS ACT.

SECTION 7. IT IS THE INTENT OF THE LEGISLATURE THAT IF A PART OF THIS ACT IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID APPLICATION.

SECTION 8. IT IS THE INTENT OF THE LEGISLATURE TO RESTRICT ABORTION TO THE EXTENT PERMISSIBLE UNDER DECISIONS OF THE APPROPRIATE COURTS OR PARAMOUNT LEGISLATION. SHOULD SUCH DECISIONS OR PARAMOUNT LEGISLATION PERMIT FURTHER RESTRICTIONS AT ANY TIME HEREAFTER, SECTIONS 94-401 AND 94-402, R.C.M. 1947, SHALL BE DEEMED TO INCLUDE SUCH FURTHER RESTRICTIONS, THE LEGISLATURE NOT HEREBY DELEGATING AUTHORITY, BUT INTENDING, RATHER, TO PRESERVE THE RESTRICTIONS IN SUCH SECTIONS TO THE GREATEST EXTENT POSSIBLE.

FOR THIS REASON, SECTIONS 94-401 AND 94-402, R.C.M. 1947, ARE NOT HEREBY REPEALED BUT ARE RETAINED IN FORCE, SUBJECT TO THE RESTRICTIONS IN THIS ACT SET FORTH AND ONLY AS LIMITED BY SAID COURT DECISIONS AND PARAMOUNT LAW. INSOFAR AS THE PROVISIONS OF SECTIONS 94-401 AND 94-402, R.C.M. 1947, ARE NOT SUPERSEDED BY THIS ACT, THEY REMAIN IN FORCE.

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HOUSE BILL NO. 463

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A CONTINUATION OF THE TRADITION OF MONTANA IN PROTECTING HUMAN LIFE, AND FOR REGULATIONS CONCERNING ABORTION IN THE STATE OF MONTANA AND FURTHER PROVIDING THE CONDITIONS UNDER WHICH AN ABORTION MAY BE PERFORMED; PROVIDING PENALTIES; AND ~~REPEALING~~ REPEALING ~~SUPERSEDING--CERTAIN---PROVISIONS---OF~~ SECTIONS 94-401 AND 94-402, R.C.M. 1947; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

~~Section 1. An "abortion" means any act or operation to intentionally terminate a pregnancy.~~

~~Section 2. (1) No abortion may be performed in the state of Montana unless:~~

~~(a) such abortion is performed by a licensed medical practitioner in a medical office, clinic, or hospital;~~

~~(b) the operation is performed before the end of the sixth month of pregnancy;~~

THIRD READING
(Corrected)

~~(c) complete and accurate records of each abortion are kept and maintained by the physician or surgeon and the medical facility. The names of all persons submitting to an abortion shall remain confidential.~~

~~(2) Nothing in this section shall require any hospital, clinic or any person to participate in such abortion nor shall any hospital, clinic or any person be liable for such refusal.~~

~~Section 3. Any person who knowingly and intentionally violates this act shall be fined not more than one thousand dollars ($1,000) or imprisoned in the state prison not more than five (5) years, or both such fine and imprisonment.~~

~~Section 4. Nothing in this act shall penalize a person for, or prohibit an abortion performed at any time by a licensed physician where it is necessary in appropriate medical judgment for the preservation of the life or health of the mother.~~

~~Section 5. It is the intent of the legislature that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.~~

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~~SECTION 6. THE STATE BOARD OF HEALTH SHALL ESTABLISH REGULATIONS AND REPORTING PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS ACT.~~

~~SECTION 7. IT IS THE INTENT OF THE LEGISLATURE THAT IF A PART OF THIS ACT IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID APPLICATION.~~

~~SECTION 8. IT IS THE INTENT OF THE LEGISLATURE TO RESTRICT ABORTION TO THE EXTENT PERMISSIBLE UNDER DECISIONS OF THE APPROPRIATE COURTS OR PARAMOUNT LEGISLATION. SHOULD SUCH DECISIONS OR PARAMOUNT LEGISLATION PERMIT FURTHER RESTRICTIONS AT ANY TIME HEREAFTER, SECTIONS 94-401 AND 94-402, R.C.M. 1947, SHALL BE DEEMED TO INCLUDE SUCH FURTHER RESTRICTIONS, THE LEGISLATURE NOT HEREBY DELEGATING AUTHORITY, BUT INTENDING, RATHER, TO PRESERVE THE RESTRICTIONS IN SUCH SECTIONS TO THE GREATEST EXTENT POSSIBLE.~~

~~FOR THIS REASON, SECTIONS 94-401 AND 94-402, R.C.M. 1947, ARE NOT HEREBY REPEALED BUT ARE RETAINED IN FORCE, SUBJECT TO THE RESTRICTIONS IN THIS ACT SET FORTH AND ONLY AS LIMITED BY SAID COURT DECISIONS AND PARAMOUNT LAW. INSOFAR AS THE PROVISIONS OF SECTIONS 94-401 AND 94-402, R.C.M. 1947, ARE NOT SUPERSEDED BY THIS ACT, THEY REMAIN IN~~

~~FORCE.~~

SECTION 1. THE LEGISLATURE REAFFIRMS THE TRADITION OF THE STATE OF MONTANA TO PROTECT EVERY HUMAN LIFE WHETHER UNBORN OR AGED, HEALTHY OR SICK. IN KEEPING WITH THAT TRADITION WE REAFFIRM THAT AN EMBRYO AND FETUS HAS POTENTIAL LIFE AND THAT THE STATE OF MONTANA HAS A COMPELLING INTEREST IN PROTECTING THAT POTENTIAL LIFE AND THAT THE ONLY INTEREST WHICH MAY OVERRIDE THE COMPELLING INTEREST OF THE STATE IS THE NECESSITY OF PRESERVING THE EXISTING LIFE OF THE PROSPECTIVE MOTHER.

SECTION 2. EVERY PERSON WHO PROVIDES, SUPPLIES, OR ADMINISTERS TO ANY PREGNANT WOMAN, OR PROCURES ANY SUCH WOMAN TO TAKE ANY MEDICINE, DRUG, OR SUBSTANCE, OR USES OR EMPLOYS ANY INSTRUMENT OR OTHER MEANS WHATEVER, WITH INTENT THEREBY TO PROCURE THE MISCARRIAGE OF SUCH WOMAN, UNLESS THE SAME IS NECESSARY TO PRESERVE HER LIFE, IS PUNISHABLE BY IMPRISONMENT IN THE STATE PRISON NOT LESS THAN TWO (2) YEARS NOR MORE THAN FIVE (5) YEARS.

SECTION 3. EVERY WOMAN WHO SOLICITS OF ANY PERSON ANY MEDICINE, DRUG, OR SUBSTANCE WHATEVER, AND TAKES THE SAME, OR WHO SUBMITS TO ANY OPERATION, OR TO THE USE OF ANY MEANS WHATEVER, WITH INTENT THEREBY TO PROCURE A MISCARRIAGE, UNLESS THE SAME IS NECESSARY TO PRESERVE HER LIFE, IS PUNISHABLE BY IMPRISONMENT IN THE STATE PRISON NOT LESS THAN TWO (2) YEARS NOR MORE THAN FIVE (5) YEARS.

SECTION 4. (1) NO ABORTION MAY BE PERFORMED IN THE STATE OF MONTANA UNLESS:

(a) SUCH ABORTION IS PERFORMED IN A HOSPITAL OR CLINIC BY A PHYSICIAN CURRENTLY LICENSED BY THIS STATE.

(b) THE OPERATION IS PERFORMED BEFORE APPROXIMATELY THE END OF THE FIRST TRIMESTER; OR, IF AFTER APPROXIMATELY THE END OF THE FIRST TRIMESTER, ONLY ACCORDING TO PROCEDURES APPROVED BY THE STATE BOARD OF HEALTH; BUT NOT AFTER VIABILITY OR APPROXIMATELY THE END OF THE SIXTH MONTH UNLESS THE SAME IS NECESSARY TO PRESERVE THE MOTHER'S LIFE.

SECTION 5. NOTHING IN THIS ACT SHALL REQUIRE ANY HOSPITAL, CLINIC OR ANY PERSON TO PARTICIPATE IN SUCH ABORTION, NOR SHALL ANY HOSPITAL, CLINIC OR PERSON BE HELD LIABLE FOR SUCH REFUSAL, NOR SHALL THE SAME BE SUBJECT TO ANY DISCIPLINARY OR RECRIMINATORY ACTION FOR SUCH REFUSAL, NOR MAY REFUSAL BY ANY PERSON TO PARTICIPATE IN ABORTION BE MADE A CONSIDERATION IN EMPLOYMENT PRACTICES OF ANY MEDICAL FACILITY.

SECTION 6. THE STATE BOARD OF HEALTH SHALL ESTABLISH REGULATIONS AND REPORTING PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS ACT. THE NAMES OF ALL PERSONS SUBMITTING TO AN ABORTION SHALL REMAIN CONFIDENTIAL.

SECTION 7. EVERY PERSON WHO PERFORMS AN ABORTION OR SUBMITS TO AN ABORTION IN VIOLATION OF ANY PORTION OF THIS ACT, OR FAILS TO COMPLY WITH THE REPORTING PROVISIONS OF

SECTION 6, IS PUNISHABLE BY IMPRISONMENT IN THE STATE PRISON NOT LESS THAN TWO (2) YEARS NOR MORE THAN FIVE (5) YEARS.

SECTION 8. AN "ABORTION" MEANS ANY ACT OR OPERATION TO TERMINATE INTENTIONALLY A PREGNANCY WITHOUT LIVE BIRTH.

SECTION ~~6.~~ 9. IT IS THE INTENT OF THE LEGISLATURE TO RESTRICT ABORTION TO THE EXTENT PERMISSIBLE UNDER LATER DECISIONS OF THE APPROPRIATE COURTS OR PARAMOUNT LEGISLATION. SHOULD SUCH DECISIONS OR PARAMOUNT LEGISLATION PERMIT FURTHER RESTRICTIONS AT ANY TIME HEREAFTER, THIS ACT SHALL BE DEEMED TO INCLUDE SUCH FURTHER RESTRICTIONS, THE LEGISLATURE NOT HEREBY DELEGATING AUTHORITY, BUT INTENDING, RATHER, TO PRESERVE THE RESTRICTIONS IN SUCH SECTIONS TO THE GREATEST EXTENT POSSIBLE.

SECTION ~~9.~~ 10. IT IS THE INTENT OF THE LEGISLATURE THAT IF A PART OF THIS ACT IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID APPLICATION.

SECTION ~~10.~~ 11. SECTIONS 94-401 AND 94-402, R.C.M. 1947, ARE HEREBY REPEALED.

SECTION ~~11.~~ 12. THIS ACT IS EFFECTIVE ON ITS PASSAGE AND APPROVAL.

-End-

February 22, 1974
House of Representatives

HOUSE COMMITTEE OF THE WHOLE AMENDMENT TO SENATE BILL NO. 463
Third Reading Copy

be amended on page 1, section 1, line 18, after the word "the", by striking the words "state board of" and inserting in lieu thereof the words "board of regents of higher", and

AS SO AMENDED
BE CONCURRED IN

March 8, 1973

SENATE COMMITTEE ON JUDICIARY AMENDMENT

TO HOUSE BILL NO. 463

I move to amend the title, page 1, lines 9 and 10 of the blue copy by striking "AND FOR REGULATIONS CONCERNING ABORTION IN THE STATE OF MONTANA

And further amend page 7, line 1 of the blue bill, following the words "Section 4." by striking the text in its entirety and inserting in lieu thereof the words "WHERE an abortion is permitted by law: (a) such abortion may only be performed by a physician licensed by this state; (b) such abortion if performed after the end of the first three months of pregnancy may be performed only in a hospital currently licensed by this state."

And further amend page 7, line 12 of the blue bill by inserting, following the word "TO" and preceding the word "Participate" the words "ADMIT ANY PERSON FOR THE PURPOSE OF ABORTION OR TO PERMIT THE USE OF FACILITIES FOR, OR TO";

And further amend page 7, line 20 of the blue bill by striking the words "REGULATIONS AND";

And further amend page 8, line 5 of the blue bill by striking Section 9 in its entirety.

And further amend page 8, line 14 of the blue bill, following the word "Section" by striking the figure "10" and inserting in lieu thereof the figure "9"

And further amend page 8, line 21 of the blue House bill, following the word "SECTION" by striking the figure "11" and inserting in lieu thereof the figure "10"

And further amend page 8, line 23 of the blue House bill, following the word "SECTION" by deleting the figure "12" and inserting in lieu thereof the figure "11"

HB463 Conc. 1 Sec. 1 50-37 3 ef 10 abs

2nd

2-16-73

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

821673

HB463A

_____ CALL

_____ MOTION

50	AYE	36	NAY	15	ABSENT
AYE	Aageson, Dave	NAY	Hager, Tom	AYE	Marks, Robert L. (Bob)
ABS	Ainsworth, A. L. (Bud)	~~NAY~~	Haines, Tom	NAY	Mehrens, John "Sandy"
NAY	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	NAY	Menahan, William "Red"
NAY	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	AYE	Harper, Hal	ABS	Murphy, John
AYE	Barrett, Fred D.	NAY	Harper, Robert J. "Bob"	AYE	Nichols, Norris
AYE	Baucus, Max S.	NAY	Healy, John E. (Jack)	NAY	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
NAY	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	ABS	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	NAY	Quilici, Joe
ABS	Brand, Joe	NAY	Hubing, Lee	NAY	Regan, Ann K. "Pat"
NAY	Brown, Robert J. (Bob)	AYE	Huennekens, Herb	AYE	Roberts, Joe R.
~~ABS~~	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	NAY	Rolfe, Tom
NAY	Campbell, William C.	NAY	Johnston, George R.	NAY	Schepens, Henry J.
AYE	Castles, Ruth B.	NAY	Jones, Tom L.	NAY	Schye, Elmer
ABS	Clemow, Tom	AYE	Kendall, Orin P.	AYE	Seifert, Carl A.
AYE	Colberg, Richard A.	AYE	Kessner, Jack E.	ABS	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	AYE	Shelden, Arthur H.
~~ABS~~	Cox, Henry S. "Hank"	NAY	Kolstad, Allen C.	NAY	Smith, Carl M.
NAY	Driscoll, John B.	NAY	Kosena, Albert E. (Al)	NAY	Staigmiller, John B.
NAY	East, Vic	AYE	Kvaalen, Oscar S.	NAY	Stephens, Robert E.
ABS	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
NAY	Ellerd, Robert A.	NAY	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
NAY	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	AYE	Towe, Thomas E.
NAY	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	AYE	Turman, George
AYE	Flynn, James W.	AYE	Lucas, James P.	ABS	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	AYE	Ulmer, Walter J.
NAY	Galt, Jack E	AYE	Lundgren, Conrad F.	AYE	Walborn, John E.
NAY	Gerke, Harold E.	NAY	Lynch, John "J.D."	AYE	Warfield, Bill
AYE	Glennen, Robert E.	NAY	McKittrick, Pat	ABS	Watt, Robert D.
AYE	Greely, Michael T.	NAY	Manuel, Rex	AYE	Yardley, Dan
AYE	Gunderson, Jack	ABS	Marbut, Gary R.	~~ABS~~	Zimmer, William (Bill)
AYE	Hageman, Alvin			ABS	Mr. Speaker

HB463A Sec 1

50 Aye
37 Nay

3rd
10 abs

2nd
2-16-73

HB 463 Concurred
Sec. 3 -
50-35
3rd
12 abs

2nd

2-16-73

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

B21673

HB463A

_____ CALL _____ MOTION

49	AYE	35	NAY	17	ABSENT
AYE	Aageson, Dave	NAY	Hager, Tom	AYE	Marks, Robert L. (Bob)
ABS	Ainsworth, A. L. (Bud)	ABS	Haines, Tom	NAY	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	NAY	Menahan, William "Red"
NAY	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	AYE	Harper, Hal	ABS	Murphy, John
AYE	Barrett, Fred D.	NAY	Harper, Robert J. "Bob"	AYE	Nichols, Norris
AYE	Baucus, Max S.	NAY	Healy, John E. (Jack)	NAY	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
NAY	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	NAY	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	NAY	Quilici, Joe
ABS	Brand, Joe	NAY	Hubing, Lee	NAY	Regan, Ann K. "Pat"
NAY	Brown, Robert J. (Bob)	AYE	Huennekens, Herb	AYE	Roberts, Joe R.
ABS	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	NAY	Rolfe, Tom
NAY	Campbell, William C.	NAY	Johnston, George R.	NAY	Schepens, Henry J.
AYE	Castles, Ruth B.	NAY	Jones, Tom L.	ABS	Schye, Elmer
ABS	Clemow, Tom	AYE	Kendall, Orin P.	AYE	Seifert, Carl A.
AYE	Colberg, Richard A.	AYE	Kessner, Jack E.	ABS	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	AYE	Shelden, Arthur H.
ABS	Cox, Henry S. "Hank"	NAY	Kolstad, Allen C.	NAY	Smith, Carl M.
NAY	Driscoll, John B.	NAY	Kosena, Albert E. (Al)	NAY	Staigmiller, John B.
NAY	East, Vic	AYE	Kvaalen, Oscar S.	NAY	Stephens, Robert E.
ABS	Edland, Wallace B.	ABS	Laas, Walter	NAY	Stoltz, Gail
AYE	Ellerd, Robert A.	NAY	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
NAY	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	ABS	Lockrem, Lloyd C., Jr.	AYE	Towe, Thomas E.
NAY	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	AYE	Turman, George
AYE	Flynn, James W.	AYE	Lucas, James P.	ABS	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	AYE	Ulmer, Walter J.
NAY	Galt, Jack E	AYE	Lundgren, Conrad F.	AYE	Walborn, John E.
NAY	Gerke, Harold E.	NAY	Lynch, John "J.D."	AYE	Warfield, Bill
AYE	Glennen, Robert E.	NAY	McKittrick, Pat	ABS	Watt, Robert D.
AYE	Greely, Michael T.	NAY	Manuel, Rex	AYE	Yardley, Dan
AYE	Gunderson, Jack	ABS	Marbut, Gary R.	ABS	Zimmer, William (Bill)
AYE	Hageman, Alvin			ABS	Mr. Speaker

HB463A
50 AYE
35 NAY

Sec 3
3 of
12 abs

2nd
2-16-73

HB 463
50-40
2 ent
8 abs

2nd

2-16-73

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

821673

HB463 ____ CALL ____ MOTION

48	AYE	37	NAY	16	ABSENT
NAY	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
ABS	Ainsworth, A. L. (Bud)	~~ABS~~	Haines, Tom	ABS	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	~~ABS~~ AYE	Harper, Hal	NAY	Murphy, John
AYE	Barrett, Fred D.	NAY	Harper, Robert J. "Bob"	NAY	Nichols, Norris
AYE	Baucus, Max S.	NAY	Healy, John E. (Jack)	NAY	Norman, Bill
NAY	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
AYE	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	NAY	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	NAY	Quilici, Joe
ABS	Brand, Joe	NAY	Hubing, Lee	AYE	Regan, Ann K. "Pat"
AYE	Brown, Robert J. (Bob)	AYE	Huennekens, Herb	AYE	Roberts, Joe R.
~~ABS~~ AYE	Burnett, James H. "Jim"	NAY	Jacobsen, Glenn	AYE	Rolfe, Tom
NAY	Campbell, William C.	NAY	Johnston, George R.	NAY	Schepens, Henry J.
AYE	Castles, Ruth B.	NAY	Jones, Tom L.	NAY	Schye, Elmer
NAY	Clemow, Tom	AYE	Kendall, Orin P.	NAY	Seifert, Carl A.
AYE	Colberg, Richard A.	AYE	Kessner, Jack E.	NAY	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	AYE	Shelden, Arthur H.
~~ABS~~ AYE	Cox, Henry S. "Hank"	NAY	Kolstad, Allen C.	NAY	Smith, Carl M.
AYE	Driscoll, John B.	ABS	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
NAY	East, Vic	AYE	Kvaalen, Oscar S.	NAY	Stephens, Robert E.
ABS	Edland, Wallace B.	NAY	Laas, Walter	NAY	Stoltz, Gail
NAY	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
AYE	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	NAY	Lockrem, Lloyd C., Jr.	AYE	Towe, Thomas E.
NAY	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	AYE	Turman, George
AYE	Flynn, James W.	~~ABS~~ AYE	Lucas, James P.	ABS	Turner, Clyde A.
AYE	Forsgren, Wallace O.	NAY	Lund, Art	NAY	Ulmer, Walter J.
NAY	Galt, Jack E	AYE	Lundgren, Conrad F.	NAY	Walborn, John E.
NAY	Gerke, Harold E.	NAY	Lynch, John "J.D."	AYE	Warfield, Bill
NAY	Glennen, Robert E.	AYE	McKittrick, Pat	ABS	Watt, Robert D.
~~AYE~~	Greely, Michael T.	NAY	Manuel, Rex	AYE	Yardley, Dan
AYE	Gunderson, Jack	ABS	Marbut, Gary R.	~~AYE~~	Zimmer, William (Bill)
AYE	Hageman, Alvin			ABS	Mr. Speaker

HB463
50 Aye
40 NAY
2 ent
8 abs

2nd

2-16-73

Fagg amend to p. 4 2nd 2-23-73
Delete (b);
SB 463
14-78
8 abs

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

022373

HB463A _____ CALL _____ MOTION

13	AYE	78	NAY	16	ABSENT

AYE	Aageson, Dave	NAY	Hager, Tom	NAY	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	NAY	Haines, Tom	NAY	Mehrens, John "Sandy"
NAY	Asbjornson, R. O. "Boots"	NAY	Hall, John C.	NAY	Menahan, William "Red"
NAY	Baeth, William R. (Bill)	NAY	Halvorson, Ora J.	NAY	Mercer, Wallace W. (Wally)
NAY	Bardanouve, Francis	ABS	Harper, Hal	NAY	Murphy, John
NAY	Barrett, Fred D.	NAY	Harper, Robert J. "Bob"	NAY	Nichols, Norris
NAY	Baucus, Max S.	NAY	Healy, John E. (Jack)	NAY	Norman, Bill
NAY	Bell, John F.	NAY	Hodges, William C.	NAY	Olson, S. A.
ABS	Bennetts, Barbara K.	NAY	Holmes, Mrs. Polly	AYE	Prevost, Robert C.
NAY	Bradley, Dorothy M.	NAY	Holtz, Malcolm E.	NAY	Quilici, Joe
AYE	Brand, Joe	NAY	Hubing, Lee	NAY	Regan, Ann K. "Pat"
NAY	Brown, Robert J. (Bob)	NAY	Huennekens, Herb	AYE	Roberts, Joe R.
ABS	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	NAY	Rolfe, Tom
NAY	Campbell, William C.	NAY	Johnston, George R.	ABS	Schepens, Henry J.
NAY	Castles, Ruth B.	NAY	Jones, Tom L.	ABS	Schye, Elmer
NAY	Clemow, Tom	NAY	Kendall, Orin P.	NAY	Seifert, Carl A.
ABS	Colberg, Richard A.	NAY	Kessner, Jack E.	AYE	Selstad, Tom
NAY	Cotton, Robert S.	NAY	Kimble, Gary	NAY	Shelden, Arthur H.
NAY	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	NAY	Smith, Carl M.
NAY	Driscoll, John B.	NAY	Kosena, Albert E. (Al)	NAY	Staigmiller, John B.
NAY	East, Vic	NAY	Kvaalen, Oscar S.	NAY	Stephens, Robert E.
NAY	Edland, Wallace B.	NAY	Laas, Walter	NAY	Stoltz, Gail
NAY	Ellerd, Robert A.	NAY	Lee, Robert E. (Bob)	NAY	Swanberg, Gorham E.
AYE	Fagg, Harrison G.	NAY	Lien, Orphey "Bud"	NAY	Tierney, John F.
NAY	Fasbender, Larry	NAY	Lockrem, Lloyd C., Jr.	NAY	Towe, Thomas E.
NAY	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	NAY	Turman, George
NAY	Flynn, James W.	NAY	Lucas, James P.	NAY	Turner, Clyde A.
AYE	Forsgren, Wallace O.	NAY	Lund, Art	NAY	Ulmer, Walter J.
AYE	Galt, Jack E	NAY	Lundgren, Conrad F.	AYE	Walborn, John E.
ABS	Gerke, Harold E.	AYE	Lynch, John "J.D."	NAY	Warfield, Bill
Aye	Glennen, Robert E.	NAY	McKittrick, Pat	NAY	Watt, Robert D.
NAY	Greely, Michael T.	NAY	Manuel, Rex	NAY	Yardley, Dan
NAY	Gunderson, Jack	NAY	Marbut, Gary R.	ABS	Zimmer, William (Bill)
NAY	Hageman, Alvin			ABS	Mr. Speaker

HB463 Fass 2nd
Amend 2-23-73
Sec 4
14 Aye
78 Nay
8 abs

Lockrem-McKittrick 2nd 2-23-73
Consid - HB 463
51 - 41
Bates

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

022373

HB463

_____ CALL _____ MOTION

58	AYE	41	NAY	10	ABSENT
NAY	Aageson, Dave	NAY	Hager, Tom	AYE	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	AYE	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	NAY	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
NAY	Bardanouve, Francis	NAY	Harper, Hal	NAY	Murphy, John
AYE	Barrett, Fred D.	AYE	Harper, Robert J. "Bob"	AYE	Nichols, Norris
NAY	Baucus, Max S.	AYE	Healy, John E. (Jack)	NAY	Norman, Bill
AYE	Bell, John F.	NAY	Hodges, William C.	AYE	Olson, S. A.
ABS	Bennetts, Barbara K.	NAY	Holmes, Mrs. Polly	NAY	Prevost, Robert C.
NAY	Bradley, Dorothy M.	NAY	Holtz, Malcolm E.	AYE	Quilici, Joe
NAY	Brand, Joe	AYE	Hubing, Lee	AYE	Regan, Ann K. "Pat"
NAY	Brown, Robert J. (Bob)	NAY	Huennekens, Herb	NAY	Roberts, Joe R.
ABS	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	AYE	Rolfe, Tom
AYE	Campbell, William C.	AYE	Johnston, George R.	ABS	Schepens, Henry J.
NAY	Castles, Ruth B.	NAY	Jones, Tom L.	ABS	Schye, Elmer
NAY	Clemow, Tom	NAY	Kendall, Orin P.	NAY	Seifert, Carl A.
ABS	Colberg, Richard A.	ABS	Kessner, Jack E.	AYE	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	NAY	Shelden, Arthur H.
AYE	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	AYE	Smith, Carl M.
AYE	Driscoll, John B.	AYE	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
NAY	East, Vic	AYE	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
AYE	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
AYE	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	NAY	Swanberg, Gorham E.
NAY	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	NAY	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	NAY	Towe, Thomas E.
AYE	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	NAY	Turman, George
NAY	Flynn, James W.	AYE	Lucas, James P.	NAY	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	NAY	Ulmer, Walter J.
NAY	Galt, Jack E	NAY	Lundgren, Conrad F.	AYE	Walborn, John E.
ABS	Gerke, Harold E.	AYE	Lynch, John "J.D."	AYE	Warfield, Bill
resp	Glennen, Robert E.	AYE	McKittrick, Pat	NAY	Watt, Robert D.
NAY	Greely, Michael T.	AYE	Manuel, Rex	NAY	Yardley, Dan
NAY	Gunderson, Jack	NAY	Marbut, Gary R.	ABS	Zimmer, William (Bill)
NAY	Hageman, Alvin			ABS	Mr. Speaker

HB463A
51 AYE
41 NAY

Lockrem
McKittrick

2nd
2-23-73

Bates

Hall Amend HB463 am 2-23-73

84-2
14 abs

STATE OF MONTAN

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

022373

HB463A

_____ CALL _____ MOTION

83	AYE	82	NAY	16	ABSENT
AYE	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	AYE	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	AYE	Harper, Hal	AYE	Murphy, John
AYE	Barrett, Fred D.	AYE	Harper, Robert J. "Bob"	AYE	Nichols, Norris
AYE	Baucus, Max S.	AYE	Healy, John E. (Jack)	NAY	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
ABS	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	ABS	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	AYE	Quilici, Joe
ABS	Brand, Joe	AYE	Hubing, Lee	AYE	Regan, Ann K. "Pat"
AYE	Brown, Robert J. (Bob)	AYE	Huennekens, Herb	AYE	Roberts, Joe R.
ABS	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	AYE	Rolfe, Tom
AYE	Campbell, William C.	AYE	Johnston, George R.	ABS	Schepens, Henry J.
ABS	Castles, Ruth B.	AYE	Jones, Tom L.	ABS	Schye, Elmer
AYE	Clemow, Tom	AYE	Kendall, Orin P.	AYE	Seifert, Carl A.
ABS	Colberg, Richard A.	AYE	Kessner, Jack E.	AYE	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	ABS	Shelden, Arthur H.
AYE	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	AYE	Smith, Carl M.
AYE	Driscoll, John B.	AYE	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
AYE	East, Vic	AYE	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
AYE	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
AYE	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
AYE	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	AYE	Towe, Thomas E.
AYE	Fleming, James F., Jr.	AYE	Lombardi, Jerry V.	AYE	Turman, George
ABS	Flynn, James W.	AYE	Lucas, James P.	ABS	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	AYE	Ulmer, Walter J.
AYE	Galt, Jack E	ABS	Lundgren, Conrad F.	AYE	Walborn, John E.
ABS	Gerke, Harold E.	AYE	Lynch, John "J.D."	AYE	Warfield, Bill
AYE	Glennen, Robert E.	AYE	McKittrick, Pat	AYE	Watt, Robert D.
AYE	Greely, Michael T.	AYE	Manuel, Rex	AYE	Yardley, Dan
NAY	Gunderson, Jack	AYE	Marbut, Gary R.	ABS	Zimmer, William (Bill)
AYE	Hageman, Alvin			ABS	Mr. Speaker

HB463A 2nd Hall 2-23-73
84 Aye
2 Nay
14 abs

HB463 amend 2nd 2-23-73
65-20
15 abs.

2-23-73

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

822373

HB463R _____ CALL _____ MOTION

64 AYE 28 NAY 12 ABSENT

AYE	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	ABS	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	NAY	Harper, Hal	AYE	Murphy, John
AYE	Barrett, Fred D.	NAY	Harper, Robert J. "Bob"	AYE	Nichols, Norris
NAY	Baucus, Max S.	NAY	Healy, John E. (Jack)	NAY	Norman, Bill
AYE	Bell, John F.	NAY	Hodges, William C.	AYE	Olson, S. A.
ABS	Bennetts, Barbara K.	NAY	Holmes, Mrs. Polly	ABS	Prevost, Robert C.
NAY	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	AYE	Quilici, Joe
ABS	Brand, Joe	AYE	Hubing, Lee	AYE	Regan, Ann K. "Pat"
ABS	Brown, Robert J. (Bob)	NAY	Huennekens, Herb	ABS	Roberts, Joe R.
AYE	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	AYE	Rolfe, Tom
AYE	Campbell, William C.	AYE	Johnston, George R.	NAY	Schepens, Henry J.
ABS	Castles, Ruth B.	ABS	Jones, Tom L.	ABS	Schye, Elmer
AYE	Clemow, Tom	AYE	Kendall, Orin P.	NAY	Seifert, Carl A.
ABS	Colberg, Richard A.	AYE	Kessner, Jack E.	AYE	Selstad, Tom
AYE	Cotton, Robert S.	NAY	Kimble, Gary	NAY	Shelden, Arthur H.
ABS	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	AYE	Smith, Carl M.
AYE	Driscoll, John B.	AYE	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
AYE	East, Vic	AYE	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
AYE	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
AYE	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
AYE	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	NAY	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	NAY	Towe, Thomas E.
AYE	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	NAY	Turman, George
AYE	Flynn, James W.	AYE	Lucas, James P.	AYE	Turner, Clyde A.
ABS	Forsgren, Wallace O.	AYE	Lund, Art	AYE	Ulmer, Walter J.
AYE	Galt, Jack E	ABS	Lundgren, Conrad F.	ABS	Walborn, John E.
AYE	Gerke, Harold E.	AYE	Lynch, John "J.D."	AYE	Warfield, Bill
aye	Glennen, Robert E.	AYE	McKittrick, Pat	NAY	Watt, Robert D.
AYE	Greely, Michael T.	AYE	Manuel, Rex	AYE	Yardley, Dan
NAY	Gunderson, Jack	NAY	Marbut, Gary R.	ABS	Zimmer, William (Bill)
AYE	Hageman, Alvin			ABS	Mr. Speaker

HB463A
2nd
2-23-73
65 Aye
20 Nay
15 Abs

HB 463
54-36
10 abs

2nd

2-23-73

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

6P2373

HB463 _____ CALL _____ MOTION

53	AYE	36	NAY	12	ABSENT
NAY	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	AYE	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	NAY	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
ABS	Bardanouve, Francis	ABS	Harper, Hal	NAY	Murphy, John
AYE	Barrett, Fred D.	AYE	Harper, Robert J. "Bob"	AYE	Nichols, Norris
NAY	Baucus, Max S.	AYE	Healy, John E. (Jack)	NAY	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
ABS	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	NAY	Prevost, Robert C.
NAY	Bradley, Dorothy M.	NAY	Holtz, Malcolm E.	AYE	Quilici, Joe
NAY	Brand, Joe	AYE	Hubing, Lee	AYE	Regan, Ann K. "Pat"
NAY	Brown, Robert J. (Bob)	NAY	Huennekens, Herb	NAY	Roberts, Joe R.
NAY	Burnett, James H. "Jim"	NAY	Jacobsen, Glenn	AYE	Rolfe, Tom
AYE	Campbell, William C.	AYE	Johnston, George R.	ABS	Schepens, Henry J.
NAY	Castles, Ruth B.	NAY	Jones, Tom L.	ABS	Schye, Elmer
AYE	Clemow, Tom	NAY	Kendall, Orin P.	NAY	Seifert, Carl A.
ABS	Colberg, Richard A.	ABS	Kessner, Jack E.	ABS	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	NAY	Shelden, Arthur H.
NAY	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	AYE	Smith, Carl M.
AYE	Driscoll, John B.	AYE	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
NAY	East, Vic	AYE	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
AYE	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
ABS	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
NAY	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	NAY	Towe, Thomas E.
AYE	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	NAY	Turman, George
NAY	Flynn, James W.	NAY	Lucas, James P.	NAY	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	NAY	Ulmer, Walter J.
NAY	Galt, Jack E	NAY	Lundgren, Conrad F.	AYE	Walborn, John E.
AYE	Gerke, Harold E.	AYE	Lynch, John "J.D."	AYE	Warfield, Bill
aye	Glennen, Robert E.	AYE	McKittrick, Pat	AYE	Watt, Robert D.
NAY	Greely, Michael T.	AYE	Manuel, Rex	NAY	Yardley, Dan
NAY	Gunderson, Jack	NAY	Marbut, Gary R.	ABS	Zimmer, William (Bill)
NAY	Hageman, Alvin			ABS	Mr. Speaker

HB463
54 AYE
36 NAY

2nd
2-23-73
10 abs

HB 463
56-40
4 abs

3rd

STATE OF MONTAN.

2-23-73

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

822373

HB463 _____ CALL _____ MOTION

55	AYE	46	NAY	06	ABSENT
AYE	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
NAY	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	NAY	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	NAY	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
NAY	Bardanouve, Francis	ABS	Harper, Hal	AYE	Murphy, John
AYE	Barrett, Fred D.	AYE	Harper, Robert J. "Bob"	AYE	Nichols, Norris
NAY	Baucus, Max S.	AYE	Healy. John E. (Jack)	NAY	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
ABS	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	NAY	Prevost, Robert C.
NAY	Bradley, Dorothy M.	NAY	Holtz, Malcolm E.	AYE	Quilici, Joe
NAY	Brand, Joe	AYE	Hubing, Lee	AYE	Regan, Ann K. "Pat"
NAY	Brown, Robert J. (Bob)	NAY	Huennekens, Herb	NAY	Roberts, Joe R.
AYE	Burnett, James H. "Jim"	NAY	Jacobsen, Glenn	AYE	Rolfe, Tom
AYE	Campbell, William C.	AYE	Johnston, George R.	NAY	Schepens, Henry J.
ABS	Castles, Ruth B.	NAY	Jones, Tom L.	AYE	Schye, Elmer
AYE	Clemow, Tom	NAY	Kendall, Orin P.	NAY	Seifert, Carl A.
NAY	Colberg, Richard A.	NAY	Kessner, Jack E.	NAY	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	NAY	Shelden, Arthur H.
NAY	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	AYE	Smith, Carl M.
AYE	Driscoll, John B.	AYE	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
NAY	East, Vic	AYE	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
~~AYE~~	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
~~AYE~~ AYE	Elerd, Robert A.	AYE	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
NAY	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	NAY	Towe, Thomas E.
AYE	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	NAY	Turman, George
NAY	Flynn, James W.	NAY	Lucas, James P.	AYE	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	NAY	Ulmer, Walter J.
NAY	Galt, Jack E	NAY	Lundgren, Conrad F.	AYE	Walborn, John E.
ABS	Gerke, Harold E.	AYE	Lynch, John "J.D."	AYE	Warfield, Bill
AYE	Glennen, Robert E.	AYE	McKittrick, Pat	NAY	Watt, Robert D.
NAY	Greely, Michael T.	AYE	Manuel, Rex	NAY	Yardley, Dan
NAY	Gunderson, Jack	NAY	Marbut, Gary R.	ABS	Zimmer, William (Bill)
NAY	Hagerman, Alvin			NAY	Mr. Speaker

HB463 3rd 2-23-73
56 Ayl 4abs
40 Nay

SAHB463
Do Not Concur

STATE OF MONTANA

3-12-73

72-8
6 ef
14 abs

2nd

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

_____ CALL _____ MOTION

71	AYE	68	NAY	22	ABSENT
AYE	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
ABS	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	AYE	Mehrens, John "Sandy"
AYE	Asbjornson, J. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	ABS	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	AYE	Harper, Hal	AYE	Murphy, John
AYE	Barrett, Fred O.	AYE	Harper, Robert J. "Bob"	ABS	Nichols, Norris
AYE	Baucus, Max S.	AYE	Healy, John E. (Jack)	AYE	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
AYE	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	AYE	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	AYE	Quilici, Joe
ABS	Brand, Joe	AYE	Hubing, Lee	AYE	Regan, Ann K. "Pat"
AYE	Brown, Robert J. (Bob)	AYE	Huennekens, Herb	AYE	Roberts, Joe R.
ABS	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	AYE	Rolfe, Tom
ABS	Campbell, William C.	AYE	Johnston, George R.	NAY	Schepens, Henry J.
AYE	Castles, Ruth B.	AYE	Jones, Tom L.	AYE	Schye, Elmer
ABS	Clemow, Tom	ABS	Kendall, Orin P.	AYE	Seifert, Carl A.
AYE	Colberg, Richard A.	ABS	Kessner, Jack E.	ABS	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	AYE	Shelden, Arthur H.
NAY	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	NAY	Smith, Carl M.
AYE	Driscoll, John B.	AYE	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
ABS	East, Vic	AYE	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
AYE	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
NAY	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
AYE	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	AYE	Towe, Thomas E.
AYE	Fleming, James F., Jr.	ABS	Lombardi, Jerry V.	AYE	Turman, George
AYE	Flynn, James W.	NAY	Lucas, James P.	AYE	Turner, Clyde A.
AYE	Forsgren, Wallace O.	NAY	Lund, Art	NAY	Ulmer, Walter J.
NAY	Galt, Jack E	AYE	Lundgren, Conrad F.	AYE	Walborn, John E.
AYE	Gerke, Harold E.	AYE	Lynch, John "J.D."	AYE	Warfield, Bill
AYE	Glennen, Robert E.	AYE	McKittrick, Pat	AYE	Watt, Robert D.
AYE	Greely, Michael T.	AYE	Manuel, Rex	AYE	Yardley, Dan
ABS	Gunderson, Jack	NAY	Marbut, Gary R.	ABS	Zimmer, William (Bill)
AYE	Hageman, Alvin			ABS	Mr. Speaker

SAHB463 Re Not Concur 3-12-73

72 Aye
8 Nay

6 ef
14 abs

air

STATE OF MONTANA

3-17-73

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

_____ CALL _____ MOTION

AYE	NAY	ABSENT
Aageson, Dave	Hager, Tom	Marks, Robert L. (Bob)
Ainsworth, A. L. (Bud)	Haines, Tom	Mehrens, John "Sandy"
Asbjornson, J. O. "Boots"	Hall, John C.	Menahan, William "Red"
Baeth, William R. (Bill)	Halvorson, Ora J.	Mercer, Wallace W. (Wally)
Bardanouve, Francis	Harper, Hal	Murphy, John
Barrett, Fred O.	Harper, Robert J. "Bob"	Nichols, Norris
Baucus, Max S.	Healy, John E. (Jack)	Norman, Bill
Bell, John F.	Hodges, William C.	Olson, S. A.
Bennetts, Barbara K.	Holmes, Mrs. Polly	Prevost, Robert C.
Bradley, Dorothy M.	Holtz, Malcolm E.	Quilici, Joe
Brand, Joe	Hubing, Lee	Regan, Ann K. "Pat"
Brown, Robert J. (Bob)	Huennekens, Herb	Roberts, Joe R.
Burnett, James H. "Jim"	Jacobsen, Glenn	Rolfe, Tom
Campbell, William C.	Johnston, George R.	Schepens, Henry J.
Castles, Ruth B.	Jones, Tom L.	Schye, Elmer
Clemow, Tom	Kendall, Orin P.	Seifert, Carl A.
Colberg, Richard A.	Kessner, Jack E.	Selstad, Tom
Cotton, Robert S.	Kimble, Gary	Shelden, Arthur H.
Cox, Henry S. "Hank"	Kolstad, Allen C.	Smith, Carl M.
Driscoll, John B.	Kosena, Albert E. (Al)	Staigmiller, John B.
East, Vic	Kvaalen, Oscar S.	Stephens, Robert E.
Edland, Wallace B.	Laas, Walter	Stoltz, Gail
Ellerd, Robert A.	Lee, Robert E. (Bob)	Swanberg, Gorham E.
Fagg, Harrison G.	Lien, Orphey "Bud"	Tierney, John F.
Fasbender, Larry	Lockrem, Lloyd C., Jr.	Towe, Thomas E.
Fleming, James F., Jr.	Lombardi, Jerry V.	Turman, George
Flynn, James W.	Lucas, James P.	Turner, Clyde A.
Forsgren, Wallace O.	Lund, Art	Ulmer, Walter J.
Galt, Jack E	Lundgren, Conrad F.	Walborn, John E.
~~Gerke, Harold E.~~	Lynch, John "J.D."	Warfield, Bill
Glennen, Robert E.	McKittrick, Pat	Watt, Robert D.
Greely, Michael T.	Manuel, Rex	Yardley, Dan
Gunderson, Jack	Marbut, Gary R.	Zimmer, William (Bill)
Hageman, Alvin		Mr. Speaker

Joint Conf. Com. Report
H. B. 463
64 ayes
6-4-27
27 Nay

Conf. Com. Report
H.B. 463
40-46
8 excused
6 abs

3-23-73

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

832373

H0463

_____ CALL _____ MOTION

38	AYE	41	NAY	22	ABSENT
NAY	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	NAY	Mehrens, John "Sandy"
AYE	Asbjornson, J. O. "Boots"	AYE	Hall, John C.	NAY	Menahan, William "Red"
~~Abst~~	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	AYE	Harper, Hal	~~Excu~~	Murphy, John
AYE	Barrett, Fred O.	NAY	Harper, Robert J. "Bob"	NAY	Nichols, Norris
AYE	Baucus, Max S.	NAY	Healy, John E. (Jack)	NAY	Norman, Bill
NAY	Bell, John F.	AYE	Hodges, William C.	NAY	Olson, S. A.
AYE	Bennetts, Barbara K.	aye	Holmes, Mrs. Polly per	NAY	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	NAY	Quilici, Joe
NAY	Brand, Joe	~~Excu~~	Hubing, Lee	AYE	Regan, Ann K. "Pat"
AYE	Brown, Robert J. (Bob)	AYE	Huennekens, Herb	AYE	Roberts, Joe R.
NAY	Burnett, James H. "Jim"	NAY	Jacobsen, Glenn	NAY	Rolfe, Tom
NAY	Campbell, William C.	NAY	Johnston, George R.	NAY	Schepens, Henry J.
AYE	Castles, Ruth B.	NAY	Jones, Tom L.	NAY	Schye, Elmer
NAY	Clemow, Tom	AYE	Kendall, Orin P.	AYE	Seifert, Carl A.
AYE	Colberg, Richard A.	AYE	Kessner, Jack E.	~~Abst~~	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	AYE	Shelden, Arthur H.
NAY	Cox, Henry S. "Hank"	NAY	Kolstad, Allen C.	NAY	Smith, Carl M.
AYE	Driscoll, John B.	NAY	Kosena, Albert E. (Al)	NAY	Staigmiller, John B.
NAY	East, Vic	NAY	Kvaalen, Oscar S.	NAY	Stephens, Robert E.
NAY	Edland, Wallace B.	~~Excu~~	Laas, Walter	AYE	Stoltz, Gail
~~Abst~~	Ellerd, Robert A.	~~Excu~~	Lee, Robert E. (Bob) per	AYE	Swanberg, Gorham E.
~~Abst~~	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	NAY	Lockrem, Lloyd C., Jr.	aye	Towe, Thomas E. per
~~Abst~~	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	AYE	Turman, George
AYE	Flynn, James W.	~~Excu~~	Lucas, James P. per	AYE	Turner, Clyde A.
NAY	Forsgren, Wallace O.	AYE	Lund, Art	NAY	Ulmer, Walter J.
NAY	Galt, Jack E	AYE	Lundgren, Conrad F.	~~Abst~~	Walborn, John E.
~~AYE~~	~~Gerke, Harold E.~~	NAY	Lynch, John "J.D."	NAY	Warfield, Bill
AYE	Glennen, Robert E.	NAY	McKittrick, Pat	AYE	Watt, Robert D.
AYE	Greely, Michael T.	NAY	Manuel, Rex	~~Abst~~	Yardley, Dan
NAY	Gunderson, Jack	AYE	Marbut, Gary R.	NAY	Zimmer, William (Bill)
~~Abst~~	Hageman, Alvin			AYE	Mr. Speaker

Conf. Com. Report on
H. B. 463
40-46
8 excused
6 abs.

MONTANA SENATE

REGULAR SESSION

ROLL CALL

1973 LEGISLATURE

VOTE #1

YEAS	N-V	NAYS
Aber		(D)
Bennett		(R)
Bertsche		(D)
Bollinger	el	(D)
Boylan		(D)
Breeden		(R)
Broeder		(R)
Carl		(R)
Cochrane		(R)
Darrow		(R)
Deschamps		(R)
Devine		(D)
DeWolf		(D)
Drake	el	(R)

YEAS	N-V	NAYS
Flynn		(D)
Gilfeather		(D)
Goodheart		(D)
Graham		(D)
Groff		(D)
Hall		(D)
Harrison		(R)
Hazelbaker		(R)
Himsl		(R)
James		(D)
Jensen		(D)
Keenan		(D)
Klindt		(R)
Lowe		(R)

YEAS	N-V	NAYS
Lynch		(D)
Manning		(D)
Mathers		(R)
McCallum		(R)
McDonald		(D)
McGowan		(D)
McKeon		(D)
McNamer		(R)
McOmber		(D)
Moore		(R)
Moritz		(R)
Nees		(D)
Northey		(R)
Rosell		(R)

YEAS	N-V	NAYS
Shea		(D)
Siderius		(D)
Sorensen		(D)
Story		(R)
Thiessen		(D)
Turnage		(R)
Vainio		(D)
Zody		(D)
Mr. Presid..t		

HB-463 Concur In Com of Whole

Ayes 25 Noes 21 Abs 2 Ex 2

25 TOTALS 21

House BILL NUMBER 463

YEAS 100-200		N-V 100-200		NAYS 100-200	
0	0	0	0	0	0
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9

HOUSE	SENATE	BILL RESO.	
1000	100	10	1
2000	200	20	2
3000	300	30	3
4000	400	40	4
J'nt.	500	50	5
Conc.	600	60	6
Emer.	700	70	7
3rd R	800	80	8
Quo.	900	90	9
MOT	000	00	0

DATE	
	1
Jan.	2
Feb.	3
Mar.	1
Apr.	2
May	3
June	4
July	5
Aug.	6
Sept.	7
Oct.	8
Nov.	9
Dec.	0

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MONTANA SENATE

REGULAR SESSION

ROLL CALL

1973 LEGISLATURE

VOTE #2

YEAS	N-V	NAYS
Aber		(D)
Bennett		(R)
Bertsche		(D)
Bollinger	N	(D)
Boylan		(D)
Breeden		(R)
Broeder		(R)
Carl		(R)
Cochrane		(R)
Darrow		(R)
Deschamps		(R)
Devine		(D)
DeWolf		(D)
Drake		(R)

YEAS	N-V	NAYS
Flynn		(D)
Gilfeather		(D)
Goodheart		(D)
Graham		(D)
Groff		(D)
Hall		(D)
Harrison		(R)
Hazelbaker		(R)
Himsl		(R)
James		(D)
Jensen		(D)
Keenan		(D)
Klindt		(R)
Lowe		(R)

YEAS	N-V	NAYS
Lynch		(D)
Manning		(D)
Mathers		(R)
McCallum		(R)
McDonald		(D)
McGowan		(D)
McKeon		(D)
McNamer		(R)
McOmber		(D)
Moore		(R)
Moritz		(R)
Nees		(D)
Northey		(R)
Rosell		(R)

YEAS	N-V	NAYS
Shea		(D)
Siderius		(D)
Sorensen		(D)
Story		(R)
Thiessen		(D)
Turnage		(R)
Vainio		(D)
Zody		(D)

Mr. President

Mar. 23 - Conf. Comm. dissolved

HB 463 3rd rdg

Ayes 28 Nos 21 Abs 0 Ex 1

28 TOTALS 21

House BILL NUMBER 463

DATE 1

YEAS 100-200		N-V 100-200		NAYS 100-200	
0	0	0	0	0	0
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9

HOUSE SENATE		BILL RESO.	
1000	100	10	1
2000	200	20	2
3000	300	30	3
4000	400	40	4
J'nt.	500	50	5
Conc.	600	60	6
Emer.	700	70	7
3rd R	800	80	8
Quo.	900	90	9
MOT	000	00	0

DATE	
Jan.	2
Feb.	3
Mar.	1
Apr.	2
May	3
June	4
July	5
Aug.	6
Sept.	7
Oct.	8
Nov.	9
Dec.	0

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ROLL CALL

Judiciary COMMITTEE

43rd LEGISLATIVE SESSION 1973

DATE	2/9	2/13	2/13 7:30	2/19	2/20	2/21	2/22	2/23	2/24	2/24	2/26	2/27	2/28	3/1	3/2	3/3	3/5	3/8
MCKEON, CHAIRMAN	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	–	✓	✓	✓
GILFEATHER, V. CH.	✓	✓	✓	–		✓	✓	✓	✓	✓	✓	✓	✓	✓	–		✓	✓
BOYLAN	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	–	✓	✓	✓
ZODY		✓	✓	✓		✓	✓	✓	✓	–	✓	✓	✓	✓	–	✓	✓	✓
HALL	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	–	✓	✓	
MATHERS	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	–	✓	✓	✓
HARRISON		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓			–	✓	✓	✓
MOORE		✓		✓			✓	✓	✓	–	✓	✓	✓	✓	–		✓	✓
TURNAGE	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	–	✓	✓	✓

SENATE JUDICIARY COMMITTEE---March 5, 1973

The meeting was called to order by Chairman McKeon; all members were present. The first bill discussed was HB 463 (abortion). Representative Hal Harper, sponsor, spoke briefly. He was dissatisfied with the amendments the House had made to the bill.

Dr. Anderson of the board of health spoke briefly. He said the bill was worded very ambiguously and the language needed to be rewritten to be acceptable to the board.

Senator McNamer, representing himself spoke and offered amendments to the bill which are attached. He felt "What began as an abortion bill is now an anti-abortion bill" due to the amendments made by the House.

There were no other speakers on this bill, so Senator Bollinger spoke on his Senate Resolution 22, the "right to life" resolution. Senator Moore asked Bollinger if the wording of the resolution would oppose any type of abortion at any time. Senator Bollinger replied this was not the intent of the resolution and he would be willing to have the language changed to clarify this.

Senator McKeon read a section from the Independent Record concerning Colorado's very liberal treatment of abortion--that state had removed most of the restrictions concerning abortion.

attachments

Luke McKeon, Chairman

Colorado high court strikes abortion law

DENVER (AP) — The Colorado Supreme Court struck down much of the Colorado Criminal Abortion Act as unconstitutional today, citing the U.S. Supreme Court's decision on abortion Jan. 22 and decisions in other courts.

The state high court removed virtually every major requirement under current law, leaving only the provision that a doctor perform the abortion.

The court decision removed from the law the requirement that an abortion be performed in a "licensed hospital" and also removed the requirement that the abortion be granted only after written certification by all of the members of a special hospital board.

It also struck down the conditions for abortion. Among those conditions were that continuation of the pregnancy would lead to a child with grave and permanent physical deformity or mental retardation, that the pregnancy resulted from criminal conduct, and that the death of the woman or serious permanent impairment of her mental health were at stake.

The current law was considered one of the nation's most liberal when drafted in 1967.

The Colorado tribunal said it consolidated three cases now on appeal before it in issuing the opinion.

COMMITTEE ON Judiciary House BILL NO. 463

VISITOR'S REGISTER

NAME	REPRESENTING	Check One: Support	Check One: Oppose
Joe Hoyer			
David James			
Barbara McKee			
Mrs Barbara Ballinger	SELF		X
Ike Ballinger	DIST. 4		✓
Carla B Booker	Self opposes Cibos sq. support original super bill without amendments.		✓
Gordon M. Gowan	Self Dist 14		
Mrs. Gordon McGowan			
Wayne O'Brien			
Candi Fox			
Swede Gradhurst	self		✓

(Please leave prepared statement with Secretary)

COMMITTEE ON Judiciary House BILL NO. 463

VISITOR'S REGISTER

NAME	REPRESENTING	Check One: Support	Check One: Oppose
Mary Lile Gr	Self		X
Susan Selig Hallwork	Montana Organization for the Reform of Abortion Laws		(X)
	But would support if amended back to the form in which originally introduced by Rep. Hal Harper.		

(Please leave prepared statement with Secretary)

COMMITTEE ON Judiciary House BILL NO. 463

VISITOR'S REGISTER

NAME	REPRESENTING	Check One: Support	Check One: Oppose
Jay Bryl Simon			
Sue Hennessy			
Jon Lee			
[illegible] Heard			
Constance Depew			
David A. Depew			
Pat Sypkowski			
Lois Kopelski			
[illegible]			
Ruth Farley	myself		
[illegible]			
Alice Walworth			
Elaine Lee Choi			
Raymond Lincoln	My self		
[illegible]			
John C. Wilson			

(Please leave prepared statement with Secretary)

J U D I C I A R Y

Senate Committee

Date 3/8 41 Bill No. 463 Time

	Y	N
McKeon		
Gilfeather	✓	
Boylan	✓	
Hall	✓	
Zody	✓	
~~Deake~~ Mathers	✓	
Harrison		✓
Moore	✓	
Turnage	✓	

MJ Rice
Mary Jane Rice, Secretary

Senator Luke McKeon
Chairman

Motion: As Amended Be Con Sr

House Bill No. 463

Draft

Recommend that it be amended as follows: The title thereof, by adding in line 8 thereof, following the word "PERFORMED;" the words "PROVIDING FOR A SYSTEM OF REPORTING STATISTICS;" and in line 10 thereof, by adding, following the numbers "1947" the following: "; AND PROVIDING FOR AN EFFECTIVE DATE". Beginning on line 14 of the body thereof, as follows: By striking sections 1 through 6 in their entirety, and substituting in lieu thereof the following:

"Section 1. Except as otherwise provided in section 2, a person commits criminal abortion when he administers any medicine, drug or other substance whatever to any woman or uses any instrument or other means whatever upon any woman with intent to terminate a pregnancy otherwise than by a live birth.

Section 2. Exception. Section 1 shall not apply to an abortion performed by a physician duly licensed to practice medicine pursuant to chapter 10 of Title 66, R.C.M. 1947, based on his medical judgment and the consent of the patient:

(a) during the first three months of a pregnancy;

(b) during the second three months of a pregnancy, provided that such abortion shall be performed in a hospital duly licensed pursuant to chapter 52 of Title 69, R.C.M. 1947;

(c) after the sixth month of a pregnancy, provided that such abortion may only be performed to protect the life and health of a mother and is performed pursuant to section 2 (b) of this act.

Section 3. Complete and accurate records of each abortion shall be kept and maintained by the physician and by the hospital, if the abortion is performed in a hospital, and both the physician and the hospital shall file a report on the abortion with the department of health and environmental sciences on or before the fifth day of the month following the performance of an abortion, on forms provided by the department. The identity of any person submitting to an abortion shall remain confidential.

Section 4. Any person who knowingly and intentionally commits a criminal abortion shall be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the state prison not more than five (5) years, or by both such fine and imprisonment.

Section 5. Nothing in this act shall require any hospital, clinic

or any person to participate in such abortion, nor shall any hospital, clinic or any person be liable for such refusal.

Section 6. It is the intent of the legislature that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Sections 94-401 and 94-402, R.C.M. 1947, are repealed.

Section 8. This act is effective upon passage and approval."

To: Members of the House Committee on Public Health, Welfare and Safety

Re: House Bill No. 463

The Montana Right-to-Life Association stands for a continuation of Montana's tradition of providing protection for human life, wherever and whenever it is presumed to exist - including the life of the unborn.

In an effort to assist the Legislature in continuing this traditional protection, especially in the light of recent Supreme Court decisions concerning abortion, we urge:

1° - Clarification by the Attorney General of the force of present Montana statutes concerning abortion;

2° - If it is necessary to enact new statutes to continue this protection, such laws should provide as much strict protection as possible.

House Bill No. 463 does not meet this requirement.

One solution is to reject this proposal and to enact one which does continue Montana's tradition of protecting all human life.

Another solution, less satisfactory, might be to amend House Bill No. 463 in many critical areas.

We urge your careful consideration of this entire complex matter, and offer our assistance in whatever way possible.

Montana Right-to-Life Association

Mrs. Cecelia Kopetski, Executive-Secretary
P.O. Box 451
Helena, Montana 59601
(phone 442-5825)

WITNESS STATEMENT

Name [illegible] Date 2/10/23

Address [illegible] Support ? _____

Representing [illegible] Oppose ? ✓

Which Bill ? House Bill 4163 Amend ? _____

Comments:

I feel there is a need to have the representation from the Hospital Association because it is key for carrying this operation - further consideration and thorough studying in regard to the rights of the individuals involved - I mean the hospitals, doctors and medical personnel.

I'm sure - we the people are worried. There is a possibility of encroachment to the rights of our citizens.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Mrs. Mary C. Doubek Date Feb. 12, 1973

Address 7645 N. Montana Ave. ~~Support?~~

Representing Motherhood Oppose ?!! ✓ Yes

Which Bill ? HB463 ~~Amend?~~

Comments:

I am opposed to HB463. I am shocked that life in the womb is no longer protected. If life in one area is going to be attacked, life can be attacked in other areas.

"Thou shalt not kill" is not an idle phrase. We are still "one nation under God" and under God we should obey His laws & commandments.

Please consider this. A woman has never had anything but a person, a baby. What else would her pregnancy yield? It has to be & is a person & as such is already protected by the Equal protection clause in our Constitution. The husband's wishes should also be considered as he is the co-parent. It is a part of him --- his seed and the fruit of the woman's womb is his. The unborn child is recognized as an heir by the courts. In other words it is recognized as a person with rights.

Why not legislate laws with morality after all our laws should distinguish between good & evil - right & wrong. Please oppose this.

Please leave prepared statement with the committee secretary.

Also Mr Hayes seems very biased towards Catholics and Catholics are not the only ones who object to abortion!!

WITNESS STATEMENT

Name Diane Etna-i Date 2/12/13

Address Box 321, Hanapepe Support ? _____

Representing Self Oppose ? X

Which Bill ? House Bill 463 Amend ? _____

Comments:

I am a teenager and what I can't understand is many of my friends whom I grew up with I have discussed it with them. It is to me a very serious thing. From the moment of conception until death life is a continuous motion. It has been proven by biologists - there is no break in this motion we all of us undergo until we die and then it can be started all over in the beginning of human life. Isn't that the definition of MURDER?? Of the unborn it is usually so. Please don't pass this bill. I really don't think it is in the best interest of people. What many people want is that if you are against abortion, get young women educated what they can do instead of having abortions.

Please leave prepared statement with the committee secretary.

I say that they're trying their best in the name of women.

WITNESS STATEMENT

Name _____ Date _____

Address _____ Support ? _____

Representing _____ Oppose ? _____

Which Bill ? _____ Amend ? _____

Comments:

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Alice McCarthy Date 2/12/73

Address 2125 Billings Support ?

Representing Montana ~~Right~~ Right to Life Oppose ? X

Which Bill ? HB 463 Amend ? if necessary X

Comments: I oppose this HB 463 on the grounds it is a piece of poor legislation.

I urge the committee to table this bill - as Roe v. Wade & await the Supreme Court's decision on their sentencing 12 cases pending. They can change their mind;

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Sister Joy Duff Date 2/12/73

Address St John Hospital Helena Support ? No.

Representing the unborn child's right to life Oppose ? yes.

Which Bill ? 463 Amend ? _____

Comments:

Just because a law is passed by the Supreme court of the state, it doesn't mean it is a just law. If it is unjust it doesn't mean we have to sit back and swallow it, saying "It's a law or, it's right because everyone's allowing it." We must consider the rights of all people, even the unborn. Taking a life is killing, no matter how young or how old the person is.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Mary C Brown Date 2-12-73

Address 1100 Reeder - Helena, Mont. Support ? _____

Representing Right-To-Life Oppose ? X

Which Bill ? HB463 Amend ? _____

Comments:

I do believe that human life begins at conception - I have been my belief for many years as a nurse and as a mother. The fetus is indeed a new, totally distinct individual and our U.S. Constitution has recognized his legal rights - Let us be sensible and show that Montana can resist the urge to make a few fast bucks by doing a land office business in abortions and take the bill until next session. —

Please leave prepared statement with the committee secretary.

[redacted] prepared statement with the committee secretary.

WITNESS STATEMENT

Name Betty Murphy Date Feb 12/73

Address Wolf Creek Support ? _____

Representing _____ Oppose ? +

Which Bill ? HB. 463 Amend ? _____

Comments: Please do not pass this bill
I am a Methodist

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Margaret Ferguson Date Feb. 12, '73

Address 325 Clark Valeria, Ind. Support ?

Representing Teacher - Oppose ? ✓

Which Bill ? House Bill # 463 Amend ?

Comments:

I am opposed to the bill because of my belief in God and my right as a citizen of the United States and my Constitutional rights.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name John Dowdick Jr MD Date 2-12-73

Address 7645 No. Montana Support ? _____

Representing The unborn Oppose ? V

Which Bill ? 463 Amend ? _____

Comments:

1) To say "Catholics only" oppose this bill is fallacious. History proves that men of many faiths oppose abortion; (Hiseg - Abortion - the myths - the Realities.)

2. Life is a totally HUMAN ISSUE not religious.

3. Life is inalienable — a gift of God. The "unwanted" child is only unwanted by one or both parents - today any honest OB GYN physician will tell you he has more requests for children - than for abortion - by far.

4. A legal extension of abortion is euthanasia. The whole maze horror regarding life started with a 'voluntary' abortion bill.

5. Our greatness as a nation will decline very rapidly when we disregard the sacredness of life.

6. Abortion is a destructive device — a sad replacement for love which we must show for one-another.

7. Our family (9 of us) want any child that could be saved of abortion — there are many of us who would open our homes & hearts to the "unwanted".

8. For God's sake wait — do not pass this bill.

John Dowdick Jr MD

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Sister Margaret Quirk Date 2/12/73

Address 25 S. Ewing Support ?

Representing opposition To this Bill Oppose ? X

Which Bill ? Bill 463 Amend ?

Comments:

Medically proven life begins at conception. We can find ourselves & rationalize but who can justify Murder,

Unborn Child should have rights also,

No-one or any hospital should be forced to participate in abortion.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Nancy Pratt Date 2-12-73

Address 1432 S. 3rd, Bozeman Support ? ✓

Representing Women Oppose ? _____

Which Bill ? HB 463 Amend ? _____

Comments:

If the Supreme Court decision is not implemented, Montana will in effect have no laws governing abortion. In fact, as of January 22, 1973, there is no law relating to any procedures regarding termination of pregnancy.

If Montana wants a law, then it must take it upon itself to pass one.

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Colette Etchart Date Feb.

Address Box 229 Glasgow, Montana Support ? NO

Representing Life Oppose ? X

Which Bill ? 463 (House Bill) Amend ?

Comments:

I'm a 21 yr. old working girl who knows this controversy to be so important that I would come to the Capital to speak up. Abortion is merely a nice word for murder. And I'll love life. If my own goverment does not protect life anymore, I fear that the very roots of American ideals have been torn from the earth. Please protect every person's right to life.

Please leave prepared statement with the committee secretary.

February 14, 1973

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the Public Health, Welfare and Safety Committee was held on Wednesday, February 14, 1973 at 8:00 a.m. in Room 428A with chairman Bob Lee presiding. Al members were present except Rep. Zimmer, who was excused.

No hearings were held. The following action was taken:

HB # 202 (rereferred to) -- Rep. Jones moved to amend . on page 2, section 2, by striking subsection (1), and renumber subsequent subsections accordingly. Discussion followed. Motion failed. Rep. Marbut thn moved that as SO AMENDED DO PASS (per previous approved amendments) As a substitute motion, Rep. Hall moved that a new section 7 be added, and the title be amended accordingly. Rep. Marbut withdrew his motion. Unanimous consent of the substitute motion. Rep. Driscoll then moved to amend on page 5, line 2 by inserting "or registered pharmacist". Motion carried, Fagg opposed. Rep Marbut then that HB 202 DO PASS AS AMENDED. Those in favor -- Representatives Norman, Marbut, Brown, Driscoll, Bennetts, Fagg, Holmes, Hall, and Yardley, Opposed: Representatives Healy, Turner, McKittrick, Jones, Asbjornson and Olson. Motion carried. For the record, Rep. Zimmer, who was excused was opposed.

HB # 423 -- Amendments were offered. Rep. Marbut moved adoption of the proposed amendments. Unanimous consent of the committee. Rep. Marbut then moved DO . PASS AS AMENDED. Motion carried unanimously.

HB # 320 -- Rep. Fagg offered amendments, and moved they be adopted. Motion carried; Rep. Jones opposed. Rep. McKittrick then moved that the following amendment "No portion of this bill shall apply to outdoor movies before January 1, 1974." be adopted. Motion carried unanimously. Rep. Hall then moved adoption of the amendment on section 4 of the revised form of the bill. Motion carried; Representatives Jones and Olson opposed. Rep. Fagg then moved that AS AMENDED HB 320 DO PASS. Motion carried; Jones opposed.

HB # 463 -- Rep. Jones moved that it be HELD OVER until 1974. As a substitute motion Rep. Healy moved it DO NOT PASS. Substitute motion failed (see roll call vote). Rep. Jones withdrew his motion. Rep. McKittrick then offered some amendments and moved that HB 463 DO PASS AS AMENDED. (by his amendments and Rep. Hall's) As a substitute motion, Rep Hall moved that section (c) of McKittrick' amendments be stricken. Motion failed. (see roll call vote). Rep. Hall then moved to amend section (c) to read "signed consent of the husband of the prospective mother if the mother is married has been obtained". Motion failed. Rep. McKittrick then moved that HB 463 AS AMENDED DO PASS. As a substitute motion, Rep. Marbut moved that as amended it be HELD OVER. Rep. Holmes then made a substitute motion to all motions pending that McKittrick's amendments be amended in subsection (3) Paragraph (e) by adding (copy enclosed). Motion carried unanimously. Marbut's substitute motion was then voted on. (Roll call vote) Motion failed. Rep. McKittrick's motion was then voted on. (roll call vote) Motion failed. Rep. Jones then moved that the committee reconsider their action on HB 463. (Motion to DO PASS AS AMENDED) Motion carried (Roll call vote). Rep. Fagg then moved that HB 463 DO PASS AS AMENDED.

Motion carried (see roll call vote).

HB # 521 -- Rep. Hall moved DO NOT PASS. Motion failed (see roll call vote). Rep. Driscoll then moved that it be HELD OVER. Motion carried (see roll call).

Bob Lee
Chairman

Debbie Jakovac
Secretary

Pat McKittrick - amendments - HB 463

Proposed amendments are typed in italics; remainder of the text is as proposed in House Bill 463.

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR *A CONTINUATION OF THE TRADITION OF MONTANA IN PROTECTING HUMAN LIFE, AND FOR REGULATIONS CONCERNING* ABORTION IN THE STATE OF MONTANA AND FURTHER PROVIDING THE CONDITIONS UNDER WHICH AN ABORTION MAY BE PERFORMED; PROVIDING PENALTIES; AND *SUPERCEDING CERTAIN PROVISIONS OF* SECTIONS 94-401 AND 94-402, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. The Legislature reaffirms the tradition of the State of Montana to protect every human life, whether unborn or aged, healthy or sick. In keeping with this tradition and in the spirit of our Constitution, we reaffirm the intent to extend the protection of the laws of Montana in favor of all human life.

Section 2. An "abortion" means any act or operation to intentionally terminate a pregnancy *without live birth.*

Section 3. (1) No abortion may be performed in the State of Montana, unless:

(a) such abortion is performed by a *physician currently licensed by this State,* in a medical office, clinic or hospital;

(b) the operation is performed before *approximately the end of the first trimester; or, if after approximately the end of the first trimester, only according to procedures approved by the State Board of Health; but not after viability or approximately the end of the sixth month.*

(c) signed consent of the father has been obtained.

(d) complete and accurate records *as to the type of procedure, period of gestation, and any complications* of each abortion are kept and maintained by the physician or surgeon and the medical facility, *and are submitted to the State Department of Health within thirty (30) days of the operation.* The names of all persons submitting to an abortion shall remain confidential.

more...

P. 2 - McKittrick

(2) Nothing in this section shall require any hospital, clinic or any person to participate in such abortion. Nor shall any hospital, clinic or person be held liable for such refusal, *nor shall the same be subject to any disciplinary or recriminatory action for such refusal, nor may refusal by any person to participate in abortion be made a consideration in employment practices of any medical facility.*

Section 4. Any person who knowingly and intentionally violates this act shall be fined not more than one thousand *dollars* ($1,000) or imprisoned in the state prison not more than five (5) years, or both such fine and imprisonment.

Section 5. Nothing in this act shall penalize a person for, or prohibit an abortion performed at any time by a licensed physician where it is necessary in appropriate medical judgment for the preservation of the life or health of the mother.

Section 6. The State Board of Health shall establish regulations and reporting procedures to implement the provisions of this act.

Section 7. It is the intent of the legislature that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid application.

Section 8.1 see insert

~~Section 8.~~ *Insofar as the provisions of* Sections 94-401 and 94-402, R.C.M. 1947, are *not superceded by this act, they remain in force.*

- *END* -

HB 463

Section

Rep. Holmes

(e) the prospective mother has engaged in at least two consultations with a counselor who has been approved by a Montana mental health clinic.

Rep. Hall

S Section 8. It is the intent of the legislature to restrict abortion to the extent permissible under decisions of the appropriate courts or paramount legislation. Should such decisions or paramount legislation permit furthr restrictions at any time hereafter, sections 94-401 and 94-402, R.C.M. 1947, shall be deemed to include such further restrictions, the legislature not hereby delegating authority, but intending, rather, to preserve the restrictions in such sections to the greatest extent possible.

For this reason, sections 94-401 and 94 =402, R.C.M. 1947, are not hereby repealed but are retained in force, subject to the restrictions in this act set forth and only as limited by said court decisions and paramount law.

MONTANA STATE HOUSE OF REPRESENTATIVES

The Big Sky Country

Stock Shots

PUBLIC HEALTH, WELFARE AND SAFETY

Chairman - Robert E. Lee - D - Dist. # 20

Vice Chairman - Bill Norman - D - Dist. # 18 87

J. O. Asbjornson - R - Dist. # 10 16

Barbara K. Bennetts - D - Dist. # 12 94

Robert J. Brown - R - Dist. # 16 66

John B. Driscoll - D - Dist. # 22 7

Harrison G. Fagg - R - Dist. # 8 25

John C. Hall - D - Dist. # 13 45

John E. Healy - D - Dist. # 20 30

Polly Holmes - D - Dist. # 8 59

Tom L. Jones - R - Dist. # 16 77

Gary R. Marbut - R - Dist. # 18 2

Pat McKittrick - D - Dist. # 13 72

S. A. Olson - R - Dist. # 3 14

Clyde A. Turner - R - Dist. # 16 67

Dan Yardley - D - Dist. # 11 76

William Zimmer - D - Dist. # 16 83

ROLL CALL

PUB. HEALTH, WELFARE & SAFETY COMMITTEE

43 rd LEGISLATIVE SESSION 1973

DATE	1/4	1/9	1/11	1/16	1/18	1/23	1/25	1/30	2/2	2/6	2/8	2/10	2/12	2/13	2/14	
LEE, ROBERT E. (CHAIRMAN)	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	I
NORMAN, BILL (VICE CHAIRMAN)	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	I
ASBJORNSON, J. O.	ex c.	/	ex c.	/	ex c.	/	/	ex c.	/	/	/	/	ex c.	/	/	N
BENNETTS, BARBARA K.	/	/	/	ab	ex c.	/	/	/	/	ex c.	/	/	/	/	/	I
BROWN, ROBERT J.	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	I
DRISCOLL, JOHN B.	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	I
FAGG, HARRISON G.	/	/	/	ab	/	/	/	/	/	/	/	/	/	/	/	I
HALL, JOHN C.	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	I
HEALY, JOHN E.	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	N
HOLMES, POLLY	/	ex c.	/	ab	/	/	/	/	/	ex c.	/	/	/	/	/	I
JONES, TOM L.	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	N
MARBUT, GARY R.	/	/	ex c.	/	/	/	/	/	/	ex c.	/	ex c.	ex c.	/	/	I
McKITTRICK, PAT	/	/	ex c.	/	/	/	/	/	/	/	/	/	/	/	/	N
OLSON, S. A.	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	N
TURNER, CLYDE	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	N
YARDLEY, DAN	/	/	/	/	/	/	/	/	/	/	/	ab	/	/	/	I
ZIMMER, WILLIAM	/	/	/	/	ex c.	/	/	/	/	/	/	ex c.	ex c.	ex c.	ex c.	

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

43 rd LEGISLATIVE SESSION 1973

DATE	2/26	2/12	2/27		3/1	3/3	3/5
Lee, Bob (Chairman)	/	/	/	A/C	/	/	/
Norman, Bill (Vice ")	/	/	/		/	/	ab
Asbjornson, J.O.	/	/	ex.		ex.	/	/
Bennetts, Barbara K.	/	/	/		/	/	ab
Brown, Robert J.	/	/	/		/	/	ab
Driscoll, John B.	/	/	/		/	/	ab
Fagg, Harrison	/	ab	/	ex.	/	ex.	ex.
John Hall	/	/	/		/	/	ab
John Healy	/	/	/		/	/	/
Holmes, Polly	/	/	/		/	/	/
Jones, Tom	/	/	/		/	/	/
Marbut, Gary	ex.	/	/		/	/	ex.
McKittrick, Pat	/	ab	/		/	/	/
Olson, S.A.	/	/	/	A/C	/	/	/
Turner, Clyde	/	/	/	A	/	/	/
Yardley, Dan	/	/	/		ex.	/	/
Zimmer, William	ex.	/	ex.		/	/	/

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

43 rd LEGISLATIVE SESSION 1973

MARCH - EXTRAORDINARY SESSION

DATE	13	15
Robert E. Lee	✓	✓
Bill Norman	✓	E
J. O. Asbjornson	✓	✓
Barbara K. Bennetts	✓	E
Robert J. Brown	E	✓
John B. Driscoll	✓	✓
Harrison G. Fagg	E	E
John C. Hall	✓	E
John E. Healy	✓	E
Polly Holmes	✓	✓
Tom L. Jones	✓	✓
Gary R. Marbut	✓	✓
Pat McKittrick	✓	E
S. A. Olson	✓	✓
Clyde A. Turner	✓	✓
Dan Yardley	✓	E
William Zimmer	✓	✓

43rd LEGISLATIVE SESSION 1973

ROLL CALL VOTE --- PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

	Date: No:	Date: No:	Date: 2-14 No: 202 strike (1)p2	Date: 2/14 No: 202	Date: 2/14 No: 463 Do not Pass	Date: 2/14 No: 463	Date: 2/14 No: 463	Date: No:
LEE, ROBERT E. (CHAIRMAN)			abstain	abstained	abstained	abstained	abstained	abstained
NORMAN, BILL (VICE CHAIRMAN)			no	AYE	AYE	NO	NO	AYE
ASBJORNSON, J. O.			no	NO	AYE	NO	NO	AYE
BENNETTS, BARBARA K.				AYE	NO	AYE	AYE	AYE
BROWN, ROBERT J.			no	AYE	NO	NO	NO	NO
DRISCOLL, JOHN B.			no	AYE	Aye	NO	NO	NO
FAGG, HARRISON G.			no	AYE	NO	NO	NO	NO
HALL, JOHN C.			no	AYE	absent	AYE	AYE	NO
HEALY, JOHN E.			no	NO	AYE	NO	NO	NO
HOLMES, POLLY			no	AYE	NO	AYE	AYE	NO
JONES, TOM L.			no	NO	AYE	NO	NO	AYE
MARBUT, GARY R.			no	AYE	NO	AYE	AYE	AYE
McKITTRICK, PAT			no	NO	NO	NO	NO	NO
OLSON, S. A.			no	NO	NO	NO	NO	AYE
TURNER, CLYDE A.			no	NO	NO	AYE	AYE	NO
YARDLEY, DAN			no	AYE	NO	AYE	AYE	NO
ZIMMER, WILLIAM				absent	absent	absent	absent	absent

43rd LEGISLATIVE SESSION 1973

ROLL CALL VOTE --- PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

	Date: 2/14 No: 463 Do not adopt as amended	Date: 2/14 No: 463 Do pass as amended	Date: 2/14 No: 463 Do pass	Date: 2/14 No: 521 Do not pass	Date: 2/14 No: 521 be held over	Date: No:	Date: No:	Date: No:
Lee, Bob (Chairman)	abstain	abstain	abstain	abstained	abstained			
Norman, Bill (V.Chman)	NO	NO	NO	NO	NO			
Asbjornson, J.O.	NO	AYE	AYE	AYE	AYE			
Bennetts, Barbara K.	NO	NO	NO	NO	AYE			
Brown, Robert J.	AYE	AYE	AYE	AYE	AYE			
Driscoll, John B.	AYE	AYE	AYE	NO	AYE			
Fagg, Harrison G.	AYE	AYE	AYE	NO	AYE			
Hall, John C.	abstain	AYE	AYE	AYE	NO			
Healy, John E.	NO	NO	NO	NO	NO			
Holmes, Polly	AYE	AYE	AYE	NO	AYE			
Jones, Tom L.	NO	AYE	AYE	NO	aye			
Marbut, Gary R.	NO	AYE	NO	absent	absent			
McKittrick, Pat	AYE	AYE	AYE	AYE	NO			
Olson, S.A.	NO	AYE	NO	NO	aye			
Turner, Clyde	NO	AYE	abstain	AYE	AYE			
Yardley, Dan	NO	AYE	NO	absent	absent			
Zimmer, William	absent	absent	absent	absent	absent			

PUB. HEALTH, WELFARE & SAFETY COMMITTEE

43rd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
HB # 456 LEE (BY REQ.)	RELATING TO THE ELECTRICAL SAFETY LAW - RELATING TO THE NATIONAL ELECTRICAL CODE.	1 - 26	2-13		2 - 13	DO PASS	
HB # 463 HARPER, GREELY, ET AL	LIBERALIZED ABORTIONS FOR MONTANA, PROVIDING DEFINITIONS AND RESTRICTIONS.	1 - 27	2 - 12		2 - 14	DO PASS AS AMENDED	
HB # 464 KESSNER	AUTHORIZING USE OF PHYSICIANS' TRAINED MOBILE INTENSIVE CARE PARAMEDICS UNDER CERTAIN CONDITIONS	1 - 27	2 - 13		2 - 13	DO NOT PASS	
HB # 511 lee (BY REQ.)	RIGHT OF ENTRY TO THE ELECTRICAL INSPECTOR IN THE DISCHARGE OF HIS DUTIES OF INSPECTION.	1 - 30	2 - 13		2 - 13	DO NOT PASS	KILLED
HB # 521 NORMAN, ROBERTS	USE OF IDENTIFYING DEVICES, AND TO PROVIDE FOR THE DUTY OWED DISABLED PERSONS.	1 - 30	2 - 13		2 - 14	BE HELD OVER	BE HELD OVER
HB # 539 MARKS	AUTHORIZING THE STATE, ETC. TO APPLY FINES COLLECTED FOR 32-2142,RCM 1947 TO ALCOHOLIC OR DRUG PROGRAMS.	2 - 1	2 - 10		2 - 10	BE HELD OVER	BE HELD OVER

House BILL NO. 463

INTRODUCED BY W Hayne Bradley Henderson Bradley
Swanberg Thoen Glenn Bennetts
94-401, 94-402 Castles Turman Sheldon

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR ABORTION IN THE STATE OF MONTANA AND FURTHER PROVIDING THE CONDITIONS UNDER WHICH AN ABORTION MAY BE PERFOPMED; PROVIDING PENALTIES; AND REPEALING SECTIONS 94-401 AND 94-402, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. An "abortion" means any act or operation to intentionally terminate a pregnancy.

Section 2. (1) No abortion may be performed in the state of Montana unless:

(a) such abortion is performed by a licensed medical practitioner in a medical office, clinic, or hospital;

(b) the operation is performed before the end of the sixth month of pregnancy;

(c) complete and accurate records of each abortion are kept and maintained by the physician or surgeon and the medical facility. The names of all persons submitting to an abortion shall remain confidential.

INTRODUCED BILL

(2) Nothing in this section shall require any hospital, clinic or any person to participate in such abortion nor shall any hospital, clinic or any person be liable for such refusal.

Section 3. Any person who knowingly and intentionally violates this act shall be fined not more than one thousand dollars ($1,000) or imprisoned in the state prison not more than five (5) years, or both such fine and imprisonment.

Section 4. Nothing in this act shall penalize a person for, or prohibit an abortion performed at any time by a licensed physician where it is necessary in appropriate medical judgment for the preservation of the life or health of the mother.

Section 5. It is the intent of the legislature that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Sections 94-401 and 94-402, R.C.M. 1947, are repealed.

-End-

HOUSE BILL NO. 463

INTRODUCED BY H. HARPER, GREELY, GUNDERSON, BRADLEY, SWANBERG, HUENNEKENS, BENNETTS, CASTLES, TURMAN, SHELDEN

94-401, 94-402

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A CONTINUATION OF THE TRADITION OF MONTANA IN PROTECTING HUMAN LIFE, AND FOR REGULATIONS CONCERNING ABORTION IN THE STATE OF MONTANA AND FURTHER PROVIDING THE CONDITIONS UNDER WHICH AN ABORTION MAY BE PERFORMED; PROVIDING PENALTIES; AND ~~REPEALING~~ SUPERSEDING CERTAIN PROVISIONS OF SECTIONS 94-401 AND 94-402, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

~~Section 1. An "abortion" means any act or operation to intentionally terminate a pregnancy.~~

~~Section 2. (1) No abortion may be performed in the state of Montana unless:~~

~~(a) such abortion is performed by a licensed medical practitioner in a medical office, clinic, or hospital;~~

~~(b) the operation is performed before the end of the sixth month of pregnancy;~~

~~(c) complete and accurate records of each abortion~~

SECOND READING

~~are--kept-and-maintained-by-the-physician-or-surgeon-and-the medical-facility.--The-names-of-all-persons-submitting-to-an abortion-shall-remain-confidential.~~

~~(2)-Nothing-in-this-section-shall-require-any-hospital, clinic-or-any-person-to-participate--in--such--abortion--nor shall--any-hospital,-clinic-or-any-person-be-liable-for-such refusal.~~

~~Section-3.--Any-person-who-knowingly-and--intentionally violates--this-act-shall-be-fined-not-more-than-one-thousand dollars-($1,000)-or-imprisoned-in-the-state-prison-not--more than-five-(5)-years,-or-both-such-fine-and-imprisonment.~~

~~Section-4. Nothing--in--this--act--shall--penalize--a person-for,-or-prohibit-an-abortion-performed-at-any-time-by a--licensed--physician--where-it-is-necessary-in-appropriate medical-judgment-for-the-preservation-of-the-life-or--health of-the-mother.~~

~~Section-5. It-is-the-intent-of-the--legislature--that if--a--part-of-this-act-is-invalid,-all-valid-parts-that-are severable-from-the-invalid-part-remain-in-effect.--If-a-part of-this-act-is-invalid-in-one-or-more-of--its--applications, the--part--remains--in-effect-in-all-valid-applications-that are-severable-from-the-invalid-applications.~~

~~Section-6.--Sections-94-401-and-94-402,--R.C.M.,---1947, are-repealed.~~

SECTION 1. THE LEGISLATURE REAFFIRMS THE TRADITION OF

THE STATE OF MONTANA TO PROTECT EVERY HUMAN LIFE, WHETHER UNBORN OR AGED, HEALTHY OR SICK. IN KEEPING WITH THIS TRADITION AND IN THE SPIRIT OF OUR CONSTITUTION, WE REAFFIRM THE INTENT TO EXTEND THE PROTECTION OF THE LAWS OF MONTANA IN FAVOR OF ALL HUMAN LIFE.

SECTION 2. AN "ABORTION" MEANS ANY ACT OR OPERATION TO INTENTIONALLY TERMINATE A PREGNANCY WITHOUT LIVE BIRTH.

SECTION 3. (1) NO ABORTION MAY BE PERFORMED IN THE STATE OF MONTANA UNLESS:

(A) SUCH ABORTION IS PERFORMED BY A PHYSICIAN CURRENTLY LICENSED BY THIS STATE, IN A MEDICAL OFFICE, CLINIC OR HOSPITAL;

(B) THE OPERATION IS PERFORMED BEFORE APPROXIMATELY THE END OF THE FIRST TRIMESTER; OR, IF AFTER APPROXIMATELY THE END OF THE FIRST TRIMESTER, ONLY ACCORDING TO PROCEDURES APPROVED BY THE STATE BOARD OF HEALTH; BUT NOT AFTER VIABILITY OR APPROXIMATELY THE END OF THE SIXTH MONTH.

(C) SIGNED CONSENT OF THE FATHER HAS BEEN OBTAINED.

(D) COMPLETE AND ACCURATE RECORDS AS TO THE TYPE OF PROCEDURE, PERIOD OF GESTATION, AND ANY COMPLICATIONS OF EACH ABORTION ARE KEPT AND MAINTAINED BY THE PHYSICIAN OR SURGEON AND THE MEDICAL FACILITY, AND ARE SUBMITTED TO THE STATE DEPARTMENT OF HEALTH WITHIN THIRTY (30) DAYS OF THE OPERATION. THE NAMES OF ALL PERSONS SUBMITTING TO AN ABORTION SHALL REMAIN CONFIDENTIAL.

(E) THE PROSPECTIVE MOTHER HAD ENGAGED IN AT LEAST TWO CONSULTATIONS WITH A COUNSELOR WHO HAS BEEN APPROVED BY A MONTANA MENTAL HEALTH CLINIC.

(2) NOTHING IN THIS SECTION SHALL REQUIRE ANY HOSPITAL, CLINIC OR ANY PERSON TO PARTICIPATE IN SUCH ABORTION. NOR SHALL ANY HOSPITAL, CLINIC OR PERSON BE HELD LIABLE FOR SUCH REFUSAL, NOR SHALL THE SAME BE SUBJECT TO ANY DISCIPLINARY OR RECRIMINATORY ACTION FOR SUCH REFUSAL, NOR MAY REFUSAL BY ANY PERSON TO PARTICIPATE IN ABORTION BE MADE A CONSIDERATION IN EMPLOYMENT PRACTICES OF ANY MEDICAL FACILITY.

SECTION 4. ANY PERSON WHO KNOWINGLY AND INTENTIONALLY VIOLATES THIS ACT SHALL BE FINED NOT MORE THAN ONE THOUSAND DOLLARS ($1,000) OR IMPRISONED IN THE STATE PRISON NOT MORE THAN FIVE (5) YEARS, OR BOTH SUCH FINE AND IMPRISONMENT.

SECTION 5. NOTHING IN THIS ACT SHALL PENALIZE A PERSON FOR, OR PROHIBIT AN ABORTION PERFORMED AT ANY TIME BY A LICENSED PHYSICIAN WHERE IT IS NECESSARY IN APPROPRIATE MEDICAL JUDGMENT FOR THE PRESERVATION OF THE LIFE OR HEALTH OF THE MOTHER.

SECTION 6. THE STATE BOARD OF HEALTH SHALL ESTABLISH REGULATIONS AND REPORTING PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS ACT.

SECTION 7. IT IS THE INTENT OF THE LEGISLATURE THAT IF A PART OF THIS ACT IS INVALID, ALL VALID PARTS THAT ARE

(E) THE PROSPECTIVE MOTHER HAD ENGAGED IN AT LEAST TWO CONSULTATIONS WITH A COUNSELOR WHO HAS BEEN APPROVED BY A MONTANA MENTAL HEALTH CLINIC.

(2) NOTHING IN THIS SECTION SHALL REQUIRE ANY HOSPITAL, CLINIC OR ANY PERSON TO PARTICIPATE IN SUCH ABORTION. NOR SHALL ANY HOSPITAL, CLINIC OR PERSON BE HELD LIABLE FOR SUCH REFUSAL, NOR SHALL THE SAME BE SUBJECT TO ANY DISCIPLINARY OR RECRIMINATORY ACTION FOR SUCH REFUSAL, NOR MAY REFUSAL BY ANY PERSON TO PARTICIPATE IN ABORTION BE MADE A CONSIDERATION IN EMPLOYMENT PRACTICES OF ANY MEDICAL FACILITY.

SECTION 4. ANY PERSON WHO KNOWINGLY AND INTENTIONALLY VIOLATES THIS ACT SHALL BE FINED NOT MORE THAN ONE THOUSAND DOLLARS ($1,000) OR IMPRISONED IN THE STATE PRISON NOT MORE THAN FIVE (5) YEARS, OR BOTH SUCH FINE AND IMPRISONMENT.

SECTION 5. NOTHING IN THIS ACT SHALL PENALIZE A PERSON FOR, OR PROHIBIT AN ABORTION PERFORMED AT ANY TIME BY A LICENSED PHYSICIAN WHERE IT IS NECESSARY IN APPROPRIATE MEDICAL JUDGMENT FOR THE PRESERVATION OF THE LIFE OR HEALTH OF THE MOTHER.

SECTION 6. THE STATE BOARD OF HEALTH SHALL ESTABLISH REGULATIONS AND REPORTING PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS ACT.

SECTION 7. IT IS THE INTENT OF THE LEGISLATURE THAT IF A PART OF THIS ACT IS INVALID, ALL VALID PARTS THAT ARE

SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID APPLICATION.

SECTION 8. IT IS THE INTENT OF THE LEGISLATURE TO RESTRICT ABORTION TO THE EXTENT PERMISSIBLE UNDER DECISIONS OF THE APPROPRIATE COURTS OR PARAMOUNT LEGISLATION. SHOULD SUCH DECISIONS OR PARAMOUNT LEGISLATION PERMIT FURTHER RESTRICTIONS AT ANY TIME HEREAFTER, SECTIONS 94-401 AND 94-402, R.C.M. 1947, SHALL BE DEEMED TO INCLUDE SUCH FURTHER RESTRICTIONS, THE LEGISLATURE NOT HEREBY DELEGATING AUTHORITY, BUT INTENDING, RATHER, TO PRESERVE THE RESTRICTIONS IN SUCH SECTIONS TO THE GREATEST EXTENT POSSIBLE.

FOR THIS REASON, SECTIONS 94-401 AND 94-402, R.C.M. 1947, ARE NOT HEREBY REPEALED BUT ARE RETAINED IN FORCE, SUBJECT TO THE RESTRICTIONS IN THIS ACT SET FORTH AND ONLY AS LIMITED BY SAID COURT DECISIONS AND PARAMOUNT LAW. INSOFAR AS THE PROVISIONS OF SECTIONS 94-401 AND 94-402, R.C.M. 1947, ARE NOT SUPERSEDED BY THIS ACT, THEY REMAIN IN FORCE.

-End-

HOUSE BILL NO. 463

INTRODUCED BY H. HARPER, GREELY, GUNDERSON, BRADLEY, SWANBERG, HUENNEKENS, BENNETTS, CASTLES, TURMAN, SHELDEN

94-401, 94-402

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A CONTINUATION OF THE TRADITION OF MONTANA IN PROTECTING HUMAN LIFE, AND FOR REGULATIONS CONCERNING ABORTION IN THE STATE OF MONTANA AND FURTHER PROVIDING THE CONDITIONS UNDER WHICH AN ABORTION MAY BE PERFORMED; PROVIDING PENALTIES; AND ~~REPEALING~~ SUPERSEDING CERTAIN PROVISIONS OF SECTIONS 94-401 AND 94-402, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

~~Section 1. An "abortion" means any act or operation to intentionally terminate a pregnancy.~~

~~Section 2. (1) No abortion may be performed in the state of Montana unless:~~

~~(a) such abortion is performed by a licensed medical practitioner in a medical office, clinic, or hospital;~~

~~(b) the operation is performed before the end of the sixth month of pregnancy;~~

~~(c) complete and accurate records of each abortion~~

THIRD READING

~~are--kept-and-maintained-by-the-physician-or-surgeon-and-the medical-facility.--The-names-of-all-persons-submitting-to-an abortion-shall-remain-confidential.~~

~~(2)-Nothing-in-this-section-shall-require-any-hospital, clinic-or-any-person-to-participate--in--such--abortion--nor shall--any-hospital,-clinic-or-any-person-be-liable-for-such refusal.~~

~~Section-3.--Any-person-who-knowingly-and--intentionally violates--this-act-shall-be-fined-not-more-than-one-thousand dollars-($1,000)-or-imprisoned-in-the-state-prison-not--more than-five-(5)-years,-or-both-such-fine-and-imprisonment.~~

~~Section-4. Nothing--in--this--act--shall--penalize--a person-for,-or-prohibit-an-abortion-performed-at-any-time-by a--licensed--physician--where-it-is-necessary-in-appropriate medical-judgment-for-the-preservation-of-the-life-or--health of-the-mother.~~

~~Section-5. It-is-the-intent-of-the--legislature--that if--a--part-of-this-act-is-invalid,-all-valid-parts-that-are severable-from-the-invalid-part-remain-in-effect.--If-a-part of-this-act-is-invalid-in-one-or-more-of--its--applications, the--part--remains--in-effect-in-all-valid-applications-that are-severable-from-the-invalid-applications.~~

~~Section-6.--Sections-94-401-and-94-402,--R.C.M.---1947, are-repealed.~~

SECTION 1. THE LEGISLATURE REAFFIRMS THE TRADITION OF

THE STATE OF MONTANA TO PROTECT EVERY HUMAN LIFE, WHETHER UNBORN OR AGED, HEALTHY OR SICK. IN KEEPING WITH THIS TRADITION AND IN THE SPIRIT OF OUR CONSTITUTION, WE REAFFIRM THE INTENT TO EXTEND THE PROTECTION OF THE LAWS OF MONTANA IN FAVOR OF ALL HUMAN LIFE. WITH THIS IN MIND, WE BELIEVE THAT THE PROSPECTIVE MOTHER SHOULD MAKE HER DECISION WITH REGARD TO AN ABORTION AFTER COUNSELING AND WHENEVER POSSIBLE, WITH THE CONSENT OF ALL PERSONS DIRECTLY CONCERNED, INCLUDING THE FATHER.

SECTION 2. AN "ABORTION" MEANS ANY ACT OR OPERATION TO INTENTIONALLY TERMINATE A PREGNANCY WITHOUT LIVE BIRTH.

SECTION 3. (1) NO ABORTION MAY BE PERFORMED IN THE STATE OF MONTANA UNLESS:

(A) SUCH ABORTION IS PERFORMED BY A PHYSICIAN CURRENTLY LICENSED BY THIS STATE, IN A MEDICAL OFFICE, CLINIC OR HOSPITAL;

(B) THE OPERATION IS PERFORMED BEFORE APPROXIMATELY THE END OF THE FIRST TRIMESTER; OR, IF AFTER APPROXIMATELY THE END OF THE FIRST TRIMESTER, ONLY ACCORDING TO PROCEDURES APPROVED BY THE STATE BOARD OF HEALTH; BUT NOT AFTER VIABILITY OR APPROXIMATELY THE END OF THE SIXTH MONTH.

~~(C) SIGNED CONSENT OF THE FATHER HAS BEEN OBTAINED.~~

~~(D)~~ (C) COMPLETE AND ACCURATE RECORDS AS TO THE TYPE OF PROCEDURE, PERIOD OF GESTATION, AND ANY COMPLICATIONS OF EACH ABORTION ARE KEPT AND MAINTAINED BY THE PHYSICIAN OR

SURGEON AND THE MEDICAL FACILITY, AND ARE SUBMITTED TO THE STATE DEPARTMENT OF HEALTH WITHIN THIRTY (30) DAYS OF THE OPERATION. THE NAMES OF ALL PERSONS SUBMITTING TO AN ABORTION SHALL REMAIN CONFIDENTIAL.

~~(B) THE PROSPECTIVE MOTHER HAD ENGAGED IN AT LEAST TWO CONSULTATIONS WITH A COUNSELOR WHO HAS BEEN APPROVED BY A MONTANA MENTAL HEALTH CLINIC.~~

(2) NOTHING IN THIS SECTION SHALL REQUIRE ANY HOSPITAL, CLINIC OR ANY PERSON TO PARTICIPATE IN SUCH ABORTION. NOR SHALL ANY HOSPITAL, CLINIC OR PERSON BE HELD LIABLE FOR SUCH REFUSAL, NOR SHALL THE SAME BE SUBJECT TO ANY DISCIPLINARY OR RECRIMINATORY ACTION FOR SUCH REFUSAL, NOR MAY REFUSAL BY ANY PERSON TO PARTICIPATE IN ABORTION BE MADE A CONSIDERATION IN EMPLOYMENT PRACTICES OF ANY MEDICAL FACILITY.

SECTION 4. ANY PERSON WHO KNOWINGLY AND INTENTIONALLY VIOLATES THIS ACT SHALL BE FINED NOT MORE THAN ONE THOUSAND DOLLARS ($1,000) OR IMPRISONED IN THE STATE PRISON NOT MORE THAN FIVE (5) YEARS, OR BOTH SUCH FINE AND IMPRISONMENT.

SECTION 5. NOTHING IN THIS ACT SHALL PENALIZE A PERSON FOR, OR PROHIBIT AN ABORTION PERFORMED AT ANY TIME BY A LICENSED PHYSICIAN WHERE IT IS NECESSARY IN APPROPRIATE MEDICAL JUDGMENT FOR THE PRESERVATION OF THE LIFE OR HEALTH OF THE MOTHER.

SECTION 6. THE STATE BOARD OF HEALTH SHALL ESTABLISH

REGULATIONS AND REPORTING PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS ACT.

SECTION 7. IT IS THE INTENT OF THE LEGISLATURE THAT IF A PART OF THIS ACT IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID APPLICATION.

SECTION 8. IT IS THE INTENT OF THE LEGISLATURE TO RESTRICT ABORTION TO THE EXTENT PERMISSIBLE UNDER DECISIONS OF THE APPROPRIATE COURTS OR PARAMOUNT LEGISLATION. SHOULD SUCH DECISIONS OR PARAMOUNT LEGISLATION PERMIT FURTHER RESTRICTIONS AT ANY TIME HEREAFTER, SECTIONS 94-401 AND 94-402, R.C.M. 1947, SHALL BE DEEMED TO INCLUDE SUCH FURTHER RESTRICTIONS, THE LEGISLATURE NOT HEREBY DELEGATING AUTHORITY, BUT INTENDING, RATHER, TO PRESERVE THE RESTRICTIONS IN SUCH SECTIONS TO THE GREATEST EXTENT POSSIBLE.

FOR THIS REASON, SECTIONS 94-401 AND 94-402, R.C.M. 1947, ARE NOT HEREBY REPEALED BUT ARE RETAINED IN FORCE, SUBJECT TO THE RESTRICTIONS IN THIS ACT SET FORTH AND ONLY AS LIMITED BY SAID COURT DECISIONS AND PARAMOUNT LAW. INSOFAR AS THE PROVISIONS OF SECTIONS 94-401 AND 94-402, R.C.M. 1947, ARE NOT SUPERSEDED BY THIS ACT, THEY REMAIN IN FORCE.

-End-

HOUSE BILL NO. 463

INTRODUCED BY H. HARPER, GREELY, GUNDERSON, BRADLEY, SWANBERG, HUENNEKENS, BENNETTS, CASTLES, TURMAN, SHELDEN

94-401, 94-402

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A CONTINUATION OF THE TRADITION OF MONTANA IN PROTECTING HUMAN LIFE, AND FOR REGULATIONS CONCERNING ABORTION IN THE STATE OF MONTANA AND FURTHER PROVIDING THE CONDITIONS UNDER WHICH AN ABORTION MAY BE PERFORMED; PROVIDING PENALTIES; AND ~~REPEALING~~ REPEALING ~~SUPERSEDING--CERTAIN---PROVISIONS---OF~~ SECTIONS 94-401 AND 94-402, R.C.M. 1947; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

~~Section-1.--An-"abortion"-means-any-act-or-operation-to intentionally-terminate-a-pregnancy.~~

~~Section-2. (1)--No-abortion-may-be-performed--in--the state-of-Montana-unless:~~

~~(a) such-abortion-is-performed-by-a-licensed--medical practitioner-in-a-medical-office,-clinic,-or-hospital;~~

~~(b) the-operation-is-performed-before-the-end-of--the sixth-month-of-pregnancy;~~

THIRD READING
(Corrected)

~~(c) complete and accurate records of each abortion are kept and maintained by the physician or surgeon and the medical facility. The names of all persons submitting to an abortion shall remain confidential.~~

~~(2) Nothing in this section shall require any hospital, clinic or any person to participate in such abortion nor shall any hospital, clinic or any person be liable for such refusal.~~

~~Section 3. Any person who knowingly and intentionally violates this act shall be fined not more than one thousand dollars ($1,000) or imprisoned in the state prison not more than five (5) years, or both such fine and imprisonment.~~

~~Section 4. Nothing in this act shall penalize a person for, or prohibit an abortion performed at any time by a licensed physician where it is necessary in appropriate medical judgment for the preservation of the life or health of the mother.~~

~~Section 5. It is the intent of the legislature that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.~~

~~Section 6. Sections 94-401 and 94-402, R.C.M. 1947, are repealed.~~

SECTION 1. THE LEGISLATURE FINDS THE TRADITION OF THE STATE OF MONTANA TO PROTECT EVERY HUMAN LIFE, WHETHER UNBORN OR AGED, HEALTHY OR SICK, IN KEEPING WITH THIS TRADITION AND IN THE SPIRIT OF OUR CONSTITUTION, WE REAFFIRM THE INTENT TO EXTEND THE PROTECTION OF THE LAWS OF MONTANA IN FAVOR OF ALL HUMAN LIFE. WITH THIS IN MIND, WE BELIEVE THAT THE PROSPECTIVE MOTHER SHOULD MAKE HER DECISION WITH REGARD TO AN ABORTION AFTER COUNSELING AND WHENEVER POSSIBLE, WITH THE CONSENT OF ALL PERSONS DIRECTLY CONCERNED, INCLUDING THE FATHER.

SECTION 2. AN "ABORTION" MEANS ANY ACT OR OPERATION TO INTENTIONALLY TERMINATE A PREGNANCY WITHOUT LIVE BIRTH.

SECTION 3. (1) NO ABORTION MAY BE PERFORMED IN THE STATE OF MONTANA UNLESS:

(A) SUCH ABORTION IS PERFORMED BY A PHYSICIAN CURRENTLY LICENSED BY THIS STATE, IN A MEDICAL OFFICE, CLINIC OR HOSPITAL;

(B) THE OPERATION IS PERFORMED BEFORE THE APPROXIMATELY THE END OF THE FIRST TRIMESTER, OR, IF AFTER APPROXIMATELY THE END OF THE FIRST TRIMESTER, ONLY ACCORDING TO PROCEDURES APPROVED BY THE STATE BOARD OF HEALTH, BUT NOT AFTER VIABILITY OR APPROXIMATELY THE END OF THE SIXTH MONTH;

(C) SIGNED CONSENT OF THE FATHER HAS BEEN OBTAINED;

(B) (C) COMPLETE AND ACCURATE RECORDS AS TO THE TYPE OF PROCEDURE, PERIOD OF GESTATION, AND ANY COMPLICATIONS OF

each abortion are kept and maintained by the physician or surgeon and the medical facility, and are submitted to the state department of health within thirty (30) days of the operation. The names of all persons submitting to an abortion shall remain confidential.

(3) the prospective mother had engaged in at least two consultations with a counselor who has been approved by a Montana mental health clinic.

(2) Nothing in this section shall require any hospital, clinic or any person to participate in such abortion. Nor shall any hospital, clinic or person be held liable for such refusal. Nor shall the same be subject to any disciplinary or recriminatory action for such refusal, nor may refusal by any person to participate in abortion be made a consideration in employment practices of any medical facility.

Section 4. Any person who knowingly and intentionally violates this act shall be fined not more than one thousand dollars ($1,000) or imprisoned in the state prison not more than five (5) years, or both such fine and imprisonment.

Section 5. Nothing in this act shall penalize a person for performing an abortion necessary in appropriate medical judgment for the preservation of the life or health of the mother.

SECTION 6. THE STATE BOARD OF HEALTH SHALL ESTABLISH REGULATIONS AND REPORTING PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS ACT.

SECTION 7. IT IS THE INTENT OF THE LEGISLATURE THAT IF A PART OF THIS ACT IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID APPLICATION.

SECTION 8. IT IS THE INTENT OF THE LEGISLATURE TO RESTRICT ABORTION TO THE EXTENT PERMISSIBLE UNDER DECISIONS OF THE APPROPRIATE COURTS OR PARAMOUNT LEGISLATION. IN SUCH DECISIONS OR PARAMOUNT LEGISLATION PERMIT RESTRICTIONS AT ANY TIME AFTER 94-401 AND 94-402, R.C.M. 1947, SHALL BE DEEMED TO INCLUDE SUCH FURTHER RESTRICTIONS, BUT INTENDING RATHER TO PRESERVE THE RESTRICTIONS AS TO THE GREATEST EXTENT POSSIBLE.

FOR THIS REASON, SECTIONS 94-401 AND 94-402, R.C.M. 1947, ARE NOT HEREBY REPEALED BUT ARE RETAINED IN FORCE, SUBJECT TO THE RESTRICTIONS IN THIS ACT BUT ONLY AS LIMITED BY COURT DECISIONS AND PARAMOUNT LAW. INSOFAR AS THE PROVISIONS OF SECTIONS 94-401 AND 94-402, R.C.M. 1947, ARE NOT SUPERSEDED BY THIS ACT, THEY REMAIN IN

~~FORCE.~~

SECTION 1. THE LEGISLATURE REAFFIRMS THE TRADITION OF THE STATE OF MONTANA TO PROTECT EVERY HUMAN LIFE WHETHER UNBORN OR AGED, HEALTHY OR SICK. IN KEEPING WITH THAT TRADITION WE REAFFIRM THAT AN EMBRYO AND FETUS HAS POTENTIAL LIFE AND THAT THE STATE OF MONTANA HAS A COMPELLING INTEREST IN PROTECTING THAT POTENTIAL LIFE AND THAT THE ONLY INTEREST WHICH MAY OVERRIDE THE COMPELLING INTEREST OF THE STATE IS THE NECESSITY OF PRESERVING THE EXISTING LIFE OF THE PROSPECTIVE MOTHER.

SECTION 2. EVERY PERSON WHO PROVIDES, SUPPLIES, OR ADMINISTERS TO ANY PREGNANT WOMAN, OR PROCURES ANY SUCH WOMAN TO TAKE ANY MEDICINE, DRUG, OR SUBSTANCE, OR USES OR EMPLOYS ANY INSTRUMENT OR OTHER MEANS WHATEVER, WITH INTENT THEREBY TO PROCURE THE MISCARRIAGE OF SUCH WOMAN, UNLESS THE SAME IS NECESSARY TO PRESERVE HER LIFE, IS PUNISHABLE BY IMPRISONMENT IN THE STATE PRISON NOT LESS THAN TWO (2) YEARS NOR MORE THAN FIVE (5) YEARS.

SECTION 3. EVERY WOMAN WHO SOLICITS OF ANY PERSON ANY MEDICINE, DRUG, OR SUBSTANCE WHATEVER, AND TAKES THE SAME, OR WHO SUBMITS TO ANY OPERATION, OR TO THE USE OF ANY MEANS WHATEVER, WITH INTENT THEREBY TO PROCURE A MISCARRIAGE, UNLESS THE SAME IS NECESSARY TO PRESERVE HER LIFE, IS PUNISHABLE BY IMPRISONMENT IN THE STATE PRISON NOT LESS THAN TWO (2) YEARS NOR MORE THAN FIVE (5) YEARS.

SECTION 4. (1) NO ABORTION MAY BE PERFORMED IN THE STATE OF MONTANA UNLESS:

(a) SUCH ABORTION IS PERFORMED IN A HOSPITAL OR CLINIC BY A PHYSICIAN CURRENTLY LICENSED BY THIS STATE.

(b) THE OPERATION IS PERFORMED BEFORE APPROXIMATELY THE END OF THE FIRST TRIMESTER; OR, IF AFTER APPROXIMATELY THE END OF THE FIRST TRIMESTER, ONLY ACCORDING TO PROCEDURES APPROVED BY THE STATE BOARD OF HEALTH; BUT NOT AFTER VIABILITY OR APPROXIMATELY THE END OF THE SIXTH MONTH UNLESS THE SAME IS NECESSARY TO PRESERVE THE MOTHER'S LIFE.

SECTION 5. NOTHING IN THIS ACT SHALL REQUIRE ANY HOSPITAL, CLINIC OR ANY PERSON TO PARTICIPATE IN SUCH ABORTION, NOR SHALL ANY HOSPITAL, CLINIC OR PERSON BE HELD LIABLE FOR SUCH REFUSAL, NOR SHALL THE SAME BE SUBJECT TO ANY DISCIPLINARY OR RECRIMINATORY ACTION FOR SUCH REFUSAL, NOR MAY REFUSAL BY ANY PERSON TO PARTICIPATE IN ABORTION BE MADE A CONSIDERATION IN EMPLOYMENT PRACTICES OF ANY MEDICAL FACILITY.

SECTION 6. THE STATE BOARD OF HEALTH SHALL ESTABLISH REGULATIONS AND REPORTING PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS ACT. THE NAMES OF ALL PERSONS SUBMITTING TO AN ABORTION SHALL REMAIN CONFIDENTIAL.

SECTION 7. EVERY PERSON WHO PERFORMS AN ABORTION OR SUBMITS TO AN ABORTION IN VIOLATION OF ANY PORTION OF THIS ACT, OR FAILS TO COMPLY WITH THE REPORTING PROVISIONS OF

SECTION 6, IS PUNISHABLE BY IMPRISONMENT IN THE STATE PRISON NOT LESS THAN TWO (2) YEARS NOR MORE THAN FIVE (5) YEARS.

SECTION 8. AN "ABORTION" MEANS ANY ACT OR OPERATION TO TERMINATE INTENTIONALLY A PREGNANCY WITHOUT LIVE BIRTH.

SECTION ~~8~~ 9. IT IS THE INTENT OF THE LEGISLATURE TO RESTRICT ABORTION TO THE EXTENT PERMISSIBLE UNDER LATER DECISIONS OF THE APPROPRIATE COURTS OR PARAMOUNT LEGISLATION. SHOULD SUCH DECISIONS OR PARAMOUNT LEGISLATION PERMIT FURTHER RESTRICTIONS AT ANY TIME HEREAFTER, THIS ACT SHALL BE DEEMED TO INCLUDE SUCH FURTHER RESTRICTIONS, THE LEGISLATURE NOT HEREBY DELEGATING AUTHORITY, BUT INTENDING, RATHER, TO PRESERVE THE RESTRICTIONS IN SUCH SECTIONS TO THE GREATEST EXTENT POSSIBLE.

SECTION ~~9~~ 10. IT IS THE INTENT OF THE LEGISLATURE THAT IF A PART OF THIS ACT IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID APPLICATION.

SECTION ~~10~~ 11. SECTIONS 94-401 AND 94-402, R.C.M. 1947, ARE HEREBY REPEALED.

SECTION ~~11~~ 12. THIS ACT IS EFFECTIVE ON ITS PASSAGE AND APPROVAL.

-End-

February 22, 1974
House of Representatives

HOUSE COMMITTEE OF THE WHOLE AMENDMENT TO SENATE BILL NO. 463
Third Reading Copy

be amended on page 1, section 1, line 18, after the word "the", by striking the words "state board of" and inserting in lieu thereof the words "board of regents of higher", and

AS SO AMENDED
BE CONCURRED IN

March 8, 1973

SENATE COMMITTEE ON JUDICIARY AMENDMENT

TO HOUSE BILL NO. 463

I move to amend the title, page 1, lines 9 and 10 of the blue copy by striking "AND FOR REGULATIONS CONCERNING ABORTION IN THE STATE OF MONTANA

And further amend page 7, line 1 of the blue bill, following the words "Section 4." by striking the text in its entirety and inserting in lieu thereof the words "WHERE an abortion is permitted by law: (a) such abortion may only be performed by a physician licensed by this state; (b) such abortion if performed after the end of the first three months of pregnancy may be performed only in a hospital currently licensed by this state."

And further amend page 7, line 12 of the blue bill by inserting, following the word "TO" and preceding the word "Participate" the words "ADMIT ANY PERSON FOR THE PURPOSE OF ABORTION OR TO PERMIT THE USE OF FACILITIES FOR, OR TO";

And further amend page 7, line 20 of the blue bill by striking the words "REGULATIONS AND";

And further amend page 8, line 5 of the blue bill by striking Section 9 in its entirety.

And further amend page 8, line 14 of the blue bill, following the word "Section" by striking the figure "10" and inserting in lieu thereof the figure "9"

And further amend page 8, line 21 of the blue House bill, following the word "SECTION" by striking the figure "11" and inserting in lieu thereof the figure "10"

And further amend page 8, line 23 of the blue House bill, following the word "SECTION" by deleting the figure "12" and inserting in lieu thereof the figure "11"

HB463 Comm 1 2nd 2-16-73
Sec. 1
50-37
3 ef
10 abs

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

821673

HB463A

_____ CALL _____ MOTION

58	AYE	36	NAY	15	ABSENT
AYE	Aageson, Dave	NAY	Hager, Tom	AYE	Marks, Robert L. (Bob)
ABS	Ainsworth, A. L. (Bud)	~~AYE~~	Haines, Tom	NAY	Mehrens, John "Sandy"
NAY	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	NAY	Menahan, William "Red"
NAY	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	AYE	Harper, Hal	ABS	Murphy, John
AYE	Barrett, Fred D.	NAY	Harper, Robert J. "Bob"	AYE	Nichols, Norris
AYE	Baucus, Max S.	NAY	Healy, John E. (Jack)	NAY	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
NAY	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	ABS	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	NAY	Quilici, Joe
ABS	Brand, Joe	NAY	Hubing, Lee	NAY	Regan, Ann K. "Pat"
NAY	Brown, Robert J. (Bob)	AYE	Huennekens, Herb	AYE	Roberts, Joe R.
~~AYE~~	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	NAY	Rolfe, Tom
NAY	Campbell, William C.	NAY	Johnston, George R.	NAY	Schepens, Henry J.
AYE	Castles, Ruth B.	NAY	Jones, Tom L.	NAY	Schye, Elmer
ABS	Clemow, Tom	AYE	Kendall, Orin P.	AYE	Seifert, Carl A.
AYE	Colberg, Richard A.	AYE	Kessner, Jack E.	ABS	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	AYE	Shelden, Arthur H.
~~NAY~~	Cox, Henry S. "Hank"	NAY	Kolstad, Allen C.	NAY	Smith, Carl M.
NAY	Driscoll, John B.	NAY	Kosena, Albert E. (Al)	NAY	Staigmiller, John B.
NAY	East, Vic	AYE	Kvaalen, Oscar S.	NAY	Stephens, Robert E.
ABS	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
NAY	Ellerd, Robert A.	NAY	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
NAY	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	AYE	Towe, Thomas E.
NAY	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	AYE	Turman, George
AYE	Flynn, James W.	AYE	Lucas, James P.	ABS	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	AYE	Ulmer, Walter J.
NAY	Galt, Jack E	AYE	Lundgren, Conrad F.	AYE	Walborn, John E.
NAY	Gerke, Harold E.	NAY	Lynch, John "J.D."	AYE	Warfield, Bill
AYE	Glennen, Robert E.	NAY	McKittrick, Pat	ABS	Watt, Robert D.
AYE	Greely, Michael T.	NAY	Manuel, Rex	AYE	Yardley, Dan
AYE	Gunderson, Jack	ABS	Marbut, Gary R.	~~ABS~~	Zimmer, William (Bill)
AYE	Hageman, Alvin			ABS	Mr. Speaker

HB463A Sec 1 2nd
50 Aye 3 ef 2-16-73
37 Nay 10 abs

HB 463 Concurred 2nd 2-16-73
Sec. 3 -
50-35
3rd
12 abs

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

B21673

HB463A

_____ CALL _____ MOTION

49	AYE	35	NAY	17	ABSENT
AYE	Aageson, Dave	NAY	Hager, Tom	AYE	Marks, Robert L. (Bob)
ABS	Ainsworth, A. L. (Bud)	ABS	Haines, Tom	NAY	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	NAY	Menahan, William "Red"
NAY	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	AYE	Harper, Hal	ABS	Murphy, John
AYE	Barrett, Fred D.	NAY	Harper, Robert J. "Bob"	AYE	Nichols, Norris
AYE	Baucus, Max S.	NAY	Healy, John E. (Jack)	NAY	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
NAY	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	NAY	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	NAY	Quilici, Joe
ABS	Brand, Joe	NAY	Hubing, Lee	NAY	Regan, Ann K. "Pat"
NAY	Brown, Robert J. (Bob)	AYE	Huennekens, Herb	AYE	Roberts, Joe R.
ABS	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	NAY	Rolfe, Tom
NAY	Campbell, William C.	NAY	Johnston, George R.	NAY	Schepens, Henry J.
AYE	Castles, Ruth B.	NAY	Jones, Tom L.	ABS	Schye, Elmer
ABS	Clemow, Tom	AYE	Kendall, Orin P.	AYE	Seifert, Carl A.
AYE	Colberg, Richard A.	AYE	Kessner, Jack E.	ABS	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	AYE	Shelden, Arthur H.
Excused	Cox, Henry S. "Hank"	NAY	Kolstad, Allen C.	NAY	Smith, Carl M.
NAY	Driscoll, John B.	NAY	Kosena, Albert E. (Al)	NAY	Staigmiller, John B.
NAY	East, Vic	AYE	Kvaalen, Oscar S.	NAY	Stephens, Robert E.
ABS	Edland, Wallace B.	ABS	Laas, Walter	NAY	Stoltz, Gail
AYE	Ellerd, Robert A.	NAY	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
NAY	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	ABS	Lockrem, Lloyd C., Jr.	AYE	Towe, Thomas E.
NAY	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	AYE	Turman, George
AYE	Flynn, James W.	AYE	Lucas, James P.	ABS	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	AYE	Ulmer, Walter J.
NAY	Galt, Jack E	AYE	Lundgren, Conrad F.	AYE	Walborn, John E.
NAY	Gerke, Harold E.	NAY	Lynch, John "J.D."	AYE	Warfield, Bill
AYE	Glennen, Robert E.	NAY	McKittrick, Pat	ABS	Watt, Robert D.
AYE	Greely, Michael T.	NAY	Manuel, Rex	AYE	Yardley, Dan
AYE	Gunderson, Jack	ABS	Marbut, Gary R.	Excused	Zimmer, William (Bill)
AYE	Hageman, Alvin			ABS	Mr. Speaker

HB463A Sec 3 2nd
50 AYE 3rd 2-16-73
35 NAY 12 abs

HB 463 2nd 2-16-73
50-40
2 ext
8 abs

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

821673

HB463 _____ CALL _____ MOTION

48 AYE 37 NAY 16 ABSENT

NAY	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
ABS	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	ABS	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	absent	Harper, Hal	NAY	Murphy, John
AYE	Barrett, Fred D.	NAY	Harper, Robert J. "Bob"	NAY	Nichols, Norris
AYE	Baucus, Max S.	NAY	Healy, John E. (Jack)	NAY	Norman, Bill
NAY	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
AYE	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	NAY	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	NAY	Quilici, Joe
ABS	Brand, Joe	NAY	Hubing, Lee	AYE	Regan, Ann K. "Pat"
AYE	Brown, Robert J. (Bob)	AYE	Huennekens, Herb	AYE	Roberts, Joe R.
~~absent~~	Burnett, James H. "Jim"	NAY	Jacobsen, Glenn	AYE	Rolfe, Tom
NAY	Campbell, William C.	NAY	Johnston, George R.	NAY	Schepens, Henry J.
AYE	Castles, Ruth B.	NAY	Jones, Tom L.	NAY	Schye, Elmer
NAY	Clemow, Tom	AYE	Kendall, Orin P.	NAY	Seifert, Carl A.
AYE	Colberg, Richard A.	AYE	Kessner, Jack E.	NAY	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	AYE	Shelden, Arthur H.
~~AYE~~	Cox, Henry S. "Hank"	NAY	Kolstad, Allen C.	NAY	Smith, Carl M.
AYE	Driscoll, John B.	ABS	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
NAY	East, Vic	AYE	Kvaalen, Oscar S.	NAY	Stephens, Robert E.
ABS	Edland, Wallace B.	NAY	Laas, Walter	NAY	Stoltz, Gail
NAY	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
AYE	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	NAY	Lockrem, Lloyd C., Jr.	AYE	Towe, Thomas E.
NAY	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	AYE	Turman, George
AYE	Flynn, James W.	~~absent~~	Lucas, James P.	ABS	Turner, Clyde A.
AYE	Forsgren, Wallace O.	NAY	Lund, Art	NAY	Ulmer, Walter J.
NAY	Galt, Jack E	AYE	Lundgren, Conrad F.	NAY	Walborn, John E.
NAY	Gerke, Harold E.	NAY	Lynch, John "J.D."	AYE	Warfield, Bill
NAY	Glennen, Robert E.	AYE	McKittrick, Pat	ABS	Watt, Robert D.
~~absent~~	Greely, Michael T.	NAY	Manuel, Rex	AYE	Yardley, Dan
AYE	Gunderson, Jack	ABS	Marbut, Gary R.	~~AYE~~	Zimmer, William (Bill)
AYE	Hageman, Alvin			ABS	Mr. Speaker

HB463 2nd
50 Aye 2-16-73
40 NAY 2 ext
8 abs

Jogg Amend to Sec. 4 2nd 2-23-73
Delete (b);
SB 463
14-78
8 abs

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

822373

HB463A — CALL — MOTION

13	AYE	78	NAY	16	ABSENT
AYE	Aageson, Dave	NAY	Hager, Tom	NAY	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	NAY	Haines, Tom	NAY	Mehrens, John "Sandy"
NAY	Asbjornson, R. O. "Boots"	NAY	Hall, John C.	NAY	Menahan, William "Red"
NAY	Baeth, William R. (Bill)	NAY	Halvorson, Ora J.	NAY	Mercer, Wallace W. (Wally)
NAY	Bardanouve, Francis	ABS	Harper, Hal	NAY	Murphy, John
NAY	Barrett, Fred D.	NAY	Harper, Robert J. "Bob"	NAY	Nichols, Norris
NAY	Baucus, Max S.	NAY	Healy, John E. (Jack)	NAY	Norman, Bill
NAY	Bell, John F.	NAY	Hodges, William C.	NAY	Olson, S. A.
ABS	Bennetts, Barbara K.	NAY	Holmes, Mrs. Polly	AYE	Prevost, Robert C.
NAY	Bradley, Dorothy M.	NAY	Holtz, Malcolm E.	NAY	Quilici, Joe
AYE	Brand, Joe	NAY	Hubing, Lee	NAY	Regan, Ann K. "Pat"
NAY	Brown, Robert J. (Bob)	NAY	Huennekens, Herb	AYE	Roberts, Joe R.
ABS	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	NAY	Rolfe, Tom
NAY	Campbell, William C.	NAY	Johnston, George R.	ABS	Schepens, Henry J.
NAY	Castles, Ruth B.	NAY	Jones, Tom L.	ABS	Schye, Elmer
NAY	Clemow, Tom	NAY	Kendall, Orin P.	NAY	Seifert, Carl A.
ABS	Colberg, Richard A.	NAY	Kessner, Jack E.	AYE	Selstad, Tom
NAY	Cotton, Robert S.	NAY	Kimble, Gary	NAY	Shelden, Arthur H.
NAY	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	NAY	Smith, Carl M.
NAY	Driscoll, John B.	NAY	Kosena, Albert E. (Al)	NAY	Staigmiller, John B.
NAY	East, Vic	NAY	Kvaalen, Oscar S.	NAY	Stephens, Robert E.
NAY	Edland, Wallace B.	NAY	Laas, Walter	NAY	Stoltz, Gail
NAY	Ellerd, Robert A.	NAY	Lee, Robert E. (Bob)	NAY	Swanberg, Gorham E.
AYE	Fagg, Harrison G.	NAY	Lien, Orphey "Bud"	NAY	Tierney, John F.
NAY	Fasbender, Larry	NAY	Lockrem, Lloyd C., Jr.	NAY	Towe, Thomas E.
NAY	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	NAY	Turman, George
NAY	Flynn, James W.	NAY	Lucas, James P.	NAY	Turner, Clyde A.
AYE	Forsgren, Wallace O.	NAY	Lund, Art	NAY	Ulmer, Walter J.
AYE	Galt, Jack E	NAY	Lundgren, Conrad F.	AYE	Walborn, John E.
ABS	Gerke, Harold E.	AYE	Lynch, John "J.D."	NAY	Warfield, Bill
Aye	Glennen, Robert E.	NAY	McKittrick, Pat	NAY	Watt, Robert D.
NAY	Greely, Michael T.	NAY	Manuel, Rex	NAY	Yardley, Dan
NAY	Gunderson, Jack	NAY	Marbut, Gary R.	ABS	Zimmer, William (Bill)
NAY	Hageman, Alvin			ABS	Mr. Speaker

HB463 Fass Amend Sec 4 2nd 2-23-73
14 Aye
78 Nay
Bob

Lockrem-McKittrick 2nd
Amend - HB463
51 - 41
Oaks

2-23-73

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

BB2373

HB463

_____ CALL _____ MOTION

50	AYE	41	NAY	10	ABSENT
NAY	Aageson, Dave	NAY	Hager, Tom	AYE	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	AYE	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	NAY	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
NAY	Bardanouve, Francis	NAY	Harper, Hal	NAY	Murphy, John
AYE	Barrett, Fred D.	AYE	Harper, Robert J. "Bob"	AYE	Nichols, Norris
NAY	Baucus, Max S.	AYE	Healy, John E. (Jack)	NAY	Norman, Bill
AYE	Bell, John F.	NAY	Hodges, William C.	AYE	Olson, S. A.
ABS	Bennetts, Barbara K.	NAY	Holmes, Mrs. Polly	NAY	Prevost, Robert C.
NAY	Bradley, Dorothy M.	NAY	Holtz, Malcolm E.	AYE	Quilici, Joe
NAY	Brand, Joe	AYE	Hubing, Lee	AYE	Regan, Ann K. "Pat"
NAY	Brown, Robert J. (Bob)	NAY	Huennekens, Herb	NAY	Roberts, Joe R.
ABS	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	AYE	Rolfe, Tom
AYE	Campbell, William C.	AYE	Johnston, George R.	ABS	Schepens, Henry J.
NAY	Castles, Ruth B.	NAY	Jones, Tom L.	ABS	Schye, Elmer
NAY	Clemow, Tom	NAY	Kendall, Orin P.	NAY	Seifert, Carl A.
ABS	Colberg, Richard A.	ABS	Kessner, Jack E.	AYE	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	NAY	Shelden, Arthur H.
AYE	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	AYE	Smith, Carl M.
AYE	Driscoll, John B.	AYE	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
NAY	East, Vic	AYE	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
AYE	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
AYE	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	NAY	Swanberg, Gorham E.
NAY	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	NAY	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	NAY	Towe, Thomas E.
AYE	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	NAY	Turman, George
NAY	Flynn, James W.	AYE	Lucas, James P.	NAY	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	NAY	Ulmer, Walter J.
NAY	Galt, Jack E	NAY	Lundgren, Conrad F.	AYE	Walborn, John E.
ABS	Gerke, Harold E.	AYE	Lynch, John "J.D."	AYE	Warfield, Bill
AYE	Glennen, Robert E.	AYE	McKittrick, Pat	NAY	Watt, Robert D.
NAY	Greely, Michael T.	AYE	Manuel, Rex	NAY	Yardley, Dan
NAY	Gunderson, Jack	NAY	Marbut, Gary R.	ABS	Zimmer, William (Bill)
NAY	Hageman, Alvin			ABS	Mr. Speaker

HB463A
51 AYE
41 NAY

Lockrem
McKittrick

2nd
2-23-73

Oaks

Hall amend HB 465 am 2-23-73

84-2
14 abs

STATE OF MONTAN

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

022373

HB1630 _____ CALL _____ MOTION

83	AYE	82	NAY	16	ABSENT
AYE	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	AYE	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	AYE	Harper, Hal	AYE	Murphy, John
AYE	Barrett, Fred D.	AYE	Harper, Robert J. "Bob"	AYE	Nichols, Norris
AYE	Baucus, Max S.	AYE	Healy, John E. (Jack)	NAY	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
ABS	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	ABS	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	AYE	Quilici, Joe
ABS	Brand, Joe	AYE	Hubing, Lee	AYE	Regan, Ann K. "Pat"
AYE	Brown, Robert J. (Bob)	AYE	Huennekens, Herb	AYE	Roberts, Joe R.
ABS	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	AYE	Rolfe, Tom
AYE	Campbell, William C.	AYE	Johnston, George R.	ABS	Schepens, Henry J.
ABS	Castles, Ruth B.	AYE	Jones, Tom L.	ABS	Schye, Elmer
AYE	Clemow, Tom	AYE	Kendall, Orin P.	AYE	Seifert, Carl A.
ABS	Colberg, Richard A.	AYE	Kessner, Jack E.	AYE	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	ABS	Shelden, Arthur H.
AYE	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	AYE	Smith, Carl M.
AYE	Driscoll, John B.	AYE	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
AYE	East, Vic	AYE	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
AYE	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
AYE	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
AYE	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	AYE	Towe, Thomas E.
AYE	Fleming, James F., Jr.	AYE	Lombardi, Jerry V.	AYE	Turman, George
ABS	Flynn, James W.	AYE	Lucas, James P.	ABS	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	AYE	Ulmer, Walter J.
AYE	Galt, Jack E	ABS	Lundgren, Conrad F.	AYE	Walborn, John E.
ABS	Gerke, Harold E.	AYE	Lynch, John "J.D."	AYE	Warfield, Bill
AYE	Glennen, Robert E.	AYE	McKittrick, Pat	AYE	Watt, Robert D.
AYE	Greely, Michael T.	AYE	Manuel, Rex	AYE	Yardley, Dan
NAY	Gunderson, Jack	AYE	Marbut, Gary R.	ABS	Zimmer, William (Bill)
AYE	Hagemeier, Alvin			ABS	Mr. Speaker

HB 463A 2nd Hall 2-23-73
84 Aye
2 Nay
14 abs

HB463 amend 2nd 2-23-73

65-20

15 abs.

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

82373

HB463A

_____ CALL _____ MOTION

64	AYE	28	NAY	17	ABSENT
AYE	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	ABS	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	NAY	Harper, Hal	AYE	Murphy, John
AYE	Barrett, Fred D.	NAY	Harper, Robert J. "Bob"	AYE	Nichols, Norris
NAY	Baucus, Max S.	NAY	Healy, John E. (Jack)	NAY	Norman, Bill
AYE	Bell, John F.	NAY	Hodges, William C.	AYE	Olson, S. A.
ABS	Bennetts, Barbara K.	NAY	Holmes, Mrs. Polly	ABS	Prevost, Robert C.
NAY	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	AYE	Quilici, Joe
ABS	Brand, Joe	AYE	Hubing, Lee	AYE	Regan, Ann K. "Pat"
ABS	Brown, Robert J. (Bob)	NAY	Huennekens, Herb	ABS	Roberts, Joe R.
AYE	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	AYE	Rolfe, Tom
AYE	Campbell, William C.	AYE	Johnston, George R.	NAY	Schepens, Henry J.
ABS	Castles, Ruth B.	ABS	Jones, Tom L.	ABS	Schye, Elmer
AYE	Clemow, Tom	AYE	Kendall, Orin P.	NAY	Seifert, Carl A.
ABS	Colberg, Richard A.	AYE	Kessner, Jack E.	AYE	Selstad, Tom
AYE	Cotton, Robert S.	NAY	Kimble, Gary	NAY	Shelden, Arthur H.
ABS	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	AYE	Smith, Carl M.
AYE	Driscoll, John B.	AYE	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
AYE	East, Vic	AYE	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
AYE	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
AYE	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
AYE	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	NAY	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	NAY	Towe, Thomas E.
AYE	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	NAY	Turman, George
AYE	Flynn, James W.	AYE	Lucas, James P.	AYE	Turner, Clyde A.
ABS	Forsgren, Wallace O.	AYE	Lund, Art	AYE	Ulmer, Walter J.
AYE	Galt, Jack E	ABS	Lundgren, Conrad F.	ABS	Walborn, John E.
AYE	Gerke, Harold E.	AYE	Lynch, John "J.D."	AYE	Warfield, Bill
AYE	Glennen, Robert E.	AYE	McKittrick, Pat	NAY	Watt, Robert D.
AYE	Greely, Michael T.	AYE	Manuel, Rex	AYE	Yardley, Dan
NAY	Gunderson, Jack	NAY	Marbut, Gary R.	ABS	Zimmer, William (Bill)
AYE	Hageman, Alvin			ABS	Mr. Speaker

HB463A

65 Aye

20 Nay

2nd 2-23-73

15 Abs

HB 463
54-36
10 abs

2nd

2-23-73

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

622373

HB463

_____ CALL

_____ MOTION

53	AYE	36	NAY	12	ABSENT
NAY	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	AYE	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	NAY	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
ABS	Bardanouve, Francis	ABS	Harper, Hal	NAY	Murphy, John
AYE	Barrett, Fred D.	AYE	Harper, Robert J. "Bob"	AYE	Nichols, Norris
NAY	Baucus, Max S.	AYE	Healy, John E. (Jack)	NAY	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
ABS	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	NAY	Prevost, Robert C.
NAY	Bradley, Dorothy M.	NAY	Holtz, Malcolm E.	AYE	Quilici, Joe
NAY	Brand, Joe	AYE	Hubing, Lee	AYE	Regan, Ann K. "Pat"
NAY	Brown, Robert J. (Bob)	NAY	Huennekens, Herb	NAY	Roberts, Joe R.
NAY	Burnett, James H. "Jim"	NAY	Jacobsen, Glenn	AYE	Rolfe, Tom
AYE	Campbell, William C.	AYE	Johnston, George R.	ABS	Schepens, Henry J.
NAY	Castles, Ruth B.	NAY	Jones, Tom L.	ABS	Schye, Elmer
AYE	Clemow, Tom	NAY	Kendall, Orin P.	NAY	Seifert, Carl A.
ABS	Colberg, Richard A.	ABS	Kessner, Jack E.	ABS	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	NAY	Shelden, Arthur H.
NAY	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	AYE	Smith, Carl M.
AYE	Driscoll, John B.	AYE	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
NAY	East, Vic	AYE	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
AYE	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
ABS	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
NAY	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	NAY	Towe, Thomas E.
AYE	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	NAY	Turman, George
NAY	Flynn, James W.	NAY	Lucas, James P.	NAY	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	NAY	Ulmer, Walter J.
NAY	Galt, Jack E	NAY	Lundgren, Conrad F.	AYE	Walborn, John E.
AYE	Gerke, Harold E.	AYE	Lynch, John "J.D."	AYE	Warfield, Bill
AYE	Glennen, Robert E.	AYE	McKittrick, Pat	AYE	Watt, Robert D.
NAY	Greely, Michael T.	AYE	Manuel, Rex	NAY	Yardley, Dan
NAY	Gunderson, Jack	NAY	Marbut, Gary R.	ABS	Zimmer, William (Bill)
NAY	Hageman, Alvin			ABS	Mr. Speaker

HB463
54 AYE
36 NAY

2nd
2-23-73
10 abs

HB 463
56-40
4 abs

3rd

STATE OF MONTAN.

2-23-73

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

622373

HB463 _____ CALL _____ MOTION

55	AYE	40	NAY	06	ABSENT

AYE	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
NAY	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	NAY	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	NAY	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
NAY	Bardanouve, Francis	ABS	Harper, Hal	AYE	Murphy, John
AYE	Barrett, Fred D.	AYE	Harper, Robert J. "Bob"	AYE	Nichols, Norris
NAY	Baucus, Max S.	AYE	Healy, John E. (Jack)	NAY	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
ABS	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	NAY	Prevost, Robert C.
NAY	Bradley, Dorothy M.	NAY	Holtz, Malcolm E.	AYE	Quilici, Joe
NAY	Brand, Joe	AYE	Hubing, Lee	AYE	Regan, Ann K. "Pat"
NAY	Brown, Robert J. (Bob)	NAY	Huennekens, Herb	NAY	Roberts, Joe R.
AYE	Burnett, James H. "Jim"	NAY	Jacobsen, Glenn	AYE	Rolfe, Tom
AYE	Campbell, William C.	AYE	Johnston, George R.	NAY	Schepens, Henry J.
ABS	Castles, Ruth B.	NAY	Jones, Tom L.	AYE	Schye, Elmer
AYE	Clemow, Tom	NAY	Kendall, Orin P.	NAY	Seifert, Carl A.
NAY	Colberg, Richard A.	NAY	Kessner, Jack E.	NAY	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	NAY	Shelden, Arthur H.
NAY	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	AYE	Smith, Carl M.
AYE	Driscoll, John B.	AYE	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
NAY	East, Vic	AYE	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
~~AYE~~	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
~~AYE~~ AYE	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
NAY	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	NAY	Towe, Thomas E.
AYE	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	NAY	Turman, George
NAY	Flynn, James W.	NAY	Lucas, James P.	AYE	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	NAY	Ulmer, Walter J.
NAY	Galt, Jack E	NAY	Lundgren, Conrad F.	AYE	Walborn, John E.
ABS	Gerke, Harold E.	AYE	Lynch, John "J.D."	AYE	Warfield, Bill
AYE	Glennen, Robert E.	AYE	McKittrick, Pat	NAY	Watt, Robert D.
NAY	Greely, Michael T.	AYE	Manuel, Rex	NAY	Yardley, Dan
NAY	Gunderson, Jack	NAY	Marbut, Gary R.	ABS	Zimmer, William (Bill)
NAY	Hagerman, Alvin			NAY	Mr. Speaker

HB463 3rd 2-23-73
56 Ayl 4 abs
40 Nay

SHJ 0405
Do Not Concur
72-8
6 ef
14 abs

3-12-73

STATE OF MONTANA
2nd
HOUSE OF REPRESENTATIVES
1973 - 1974

831223

VOTE TABULATION

1114638

CALL ——— MOTION ———

71 AYE		68 NAY		22 ABSENT	
AYE	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
ABS	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	AYE	Mehrens, John "Sandy"
AYE	Asbjornson, J. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
Aye	Baeth, William R. (Bill)	ABS	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	AYE	Harper, Hal	AYE	Murphy, John
AYE	Barrett, Fred O.	AYE	Harper, Robert J. "Bob"	ABS	Nichols, Norris
AYE	Baucus, Max S.	AYE	Healy, John E. (Jack)	AYE	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
AYE	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	AYE	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	AYE	Quilici, Joe
ABS	Brand, Joe	AYE	Hubing, Lee	AYE	Regan, Ann K. "Pat"
Aye	Brown, Robert J. (Bob)	AYE	Huennekens, Herb	AYE	Roberts, Joe R.
ABS	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	AYE	Rolfe, Tom
ABS	Campbell, William C.	AYE	Johnston, George R.	NAY	Schepens, Henry J.
AYE	Castles, Ruth B.	AYE	Jones, Tom L.	AYE	Schye, Elmer
ABS	Clemow, Tom	ABS	Kendall, Orin P.	AYE	Seifert, Carl A.
AYE	Colberg, Richard A.	ABS	Kessner, Jack E.	ABS	Selstad, Tom
Aye	Cotton, Robert S.	AYE	Kimble, Gary	AYE	Shelden, Arthur H.
NAY	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	NAY	Smith, Carl M.
AYE	Driscoll, John B.	AYE	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
ABS	East, Vic	AYE	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
Aye	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
NAY	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
Aye	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	AYE	Towe, Thomas E.
AYE	Fleming, James F., Jr.	ABS	Lombardi, Jerry V.	AYE	Turman, George
AYE	Flynn, James W.	NAY	Lucas, James P.	AYE	Turner, Clyde A.
AYE	Forsgren, Wallace O.	NAY	Lund, Art	NAY	Ulmer, Walter J.
NAY	Galt, Jack E	Aye	Lundgren, Conrad F.	AYE	Walborn, John E.
AYE	Gerke, Harold E.	AYE	Lynch, John "J.D."	AYE	Warfield, Bill
Aye	Glennen, Robert E.	AYE	McKittrick, Pat	AYE	Watt, Robert D.
AYE	Greely, Michael T.	AYE	Manuel, Rex	AYE	Yardley, Dan
ABS	Gunderson, Jack	AYE	Marbut, Gary R.	ABS	Zimmer, William (Bill)
AYE	Hageman, Alvin			ABS	Mr. Speaker

SAHB463 Be Not Concur 3-12-73

72 Aye
8 Nay

6 ef
14 abs

air.

STATE OF MONTANA

3-17-73

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

_____ CALL _____ MOTION

64	AYE	36	NAY	54	ABSENT
	Aageson, Dave		Hager, Tom		Marks, Robert L. (Bob)
	Ainsworth, A. L. (Bud)		Haines, Tom		Mehrens, John "Sandy"
	Asbjornson, J. O. "Boots"		Hall, John C.		Menahan, William "Red"
	Baeth, William R. (Bill)		Halvorson, Ora J.		Mercer, Wallace W. (Wally)
	Bardanouve, Francis		Harper, Hal		Murphy, John
	Barrett, Fred O.		Harper, Robert J. "Bob"		Nichols, Norris
	Baucus, Max S.		Healy, John E. (Jack)		Norman, Bill
	Bell, John F.		Hodges, William C.		Olson, S. A.
	Bennetts, Barbara K.		Holmes, Mrs. Polly		Prevost, Robert C.
	Bradley, Dorothy M.		Holtz, Malcolm E.		Quilici, Joe
	Brand, Joe		Hubing, Lee		Regan, Ann K. "Pat"
	Brown, Robert J. (Bob)		Huennekens, Herb		Roberts, Joe R.
	Burnett, James H. "Jim"		Jacobsen, Glenn		Rolfe, Tom
	Campbell, William C.		Johnston, George R.		Schepens, Henry J.
	Castles, Ruth B.		Jones, Tom L.		Schye, Elmer
	Clemow, Tom		Kendall, Orin P.		Seifert, Carl A.
	Colberg, Richard A.		Kessner, Jack E.		Selstad, Tom
	Cotton, Robert S.		Kimble, Gary		Shelden, Arthur H.
	Cox, Henry S. "Hank"		Kolstad, Allen C.		Smith, Carl M.
	Driscoll, John B.		Kosena, Albert E. (Al)		Staigmiller, John B.
	East, Vic		Kvaalen, Oscar S.		Stephens, Robert E.
	Edland, Wallace B.		Laas, Walter		Stoltz, Gail
	Ellerd, Robert A.		Lee, Robert E. (Bob)		Swanberg, Gorham E.
	Fagg, Harrison G.		Lien, Orphey "Bud"		Tierney, John F.
	Fasbender, Larry		Lockrem, Lloyd C., Jr.		Towe, Thomas E.
	Fleming, James F., Jr.		Lombardi, Jerry V.		Turman, George
	Flynn, James W.		Lucas, James P.		Turner, Clyde A.
	Forsgren, Wallace O.		Lund, Art		Ulmer, Walter J.
	Galt, Jack E		Lundgren, Conrad F.		Walborn, John E.
	~~Gerke, Harold E.~~		Lynch, John "J.D."		Warfield, Bill
	Glennen, Robert E.		McKittrick, Pat		Watt, Robert D.
	Greely, Michael T.		Manuel, Rex		Yardley, Dan
	Gunderson, Jack		Marbut, Gary R.		Zimmer, William (Bill)
	Hageman, Alvin				Mr. Speaker

Joint Conf. Com. Report
H. B. 463
64-27
2 nay
7 abs

H. B. 463 64 aye
64-27 27 nay
2 nay 0
7 abs.

Conf. Com. Report
H.B. 463
40-46
8 ayes
6 abs

3-23-73

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

832373

HB463 _____ CALL _____ MOTION

38	AYE	41	NAY	22	ABSENT
NAY	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	ABS	Haines, Tom	NAY	Mehrens, John "Sandy"
AYE	Asbjornson, J. O. "Boots"	AYE	Hall, John C.	NAY	Menahan, William "Red"
Absent	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	AYE	Harper, Hal	Excused	Murphy, John
AYE	Barrett, Fred O.	NAY	Harper, Robert J. "Bob"	NAY	Nichols, Norris
AYE	Baucus, Max S.	NAY	Healy, John E. (Jack)	NAY	Norman, Bill
NAY	Bell, John F.	AYE	Hodges, William C.	NAY	Olson, S. A.
AYE	Bennetts, Barbara K.	aye	Holmes, Mrs. Polly per	NAY	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	NAY	Quilici, Joe
NAY	Brand, Joe	Excused	Hubing, Lee	AYE	Regan, Ann K. "Pat"
AYE	Brown, Robert J. (Bob)	AYE	Huennekens, Herb	AYE	Roberts, Joe R.
NAY	Burnett, James H. "Jim"	NAY	Jacobsen, Glenn	NAY	Rolfe, Tom
NAY	Campbell, William C.	NAY	Johnston, George R.	NAY	Schepens, Henry J.
AYE	Castles, Ruth B.	NAY	Jones, Tom L.	NAY	Schye, Elmer
NAY	Clemow, Tom	AYE	Kendall, Orin P.	ABS	Seifert, Carl A.
AYE	Colberg, Richard A.	ABS	Kessner, Jack E.	Absent	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	AYE	Shelden, Arthur H.
NAY	Cox, Henry S. "Hank"	NAY	Kolstad, Allen C.	NAY	Smith, Carl M.
AYE	Driscoll, John B.	NAY	Kosena, Albert E. (Al)	NAY	Staigmiller, John B.
NAY	East, Vic	NAY	Kvaalen, Oscar S.	NAY	Stephens, Robert E.
NAY	Edland, Wallace B.	Excused	Laas, Walter	AYE	Stoltz, Gail
Absent	Ellerd, Robert A.	Excused	Lee, Robert E. (Bob) per	AYE	Swanberg, Gorham E.
Absent	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
ABS	Fasbender, Larry	NAY	Lockrem, Lloyd C., Jr.	aye	Towe, Thomas E. per
Absent	Fleming, James F., Jr.	NAY	Lombardi, Jerry V.	AYE	Turman, George
ABS	Flynn, James W.	Excused	Lucas, James P per	AYE	Turner, Clyde A.
NAY	Forsgren, Wallace O.	AYE	Lund, Art	NAY	Ulmer, Walter J.
NAY	Galt, Jack E	ABS	Lundgren, Conrad F.	Absent	Walborn, John E.
Excused	~~Gerke, Harold E.~~	NAY	Lynch, John "J.D."	NAY	Warfield, Bill
AYE	Glennen, Robert E.	NAY	McKittrick, Pat	AYE	Watt, Robert D.
AYE	Greely, Michael T.	NAY	Manuel, Rex	Absent	Yardley, Dan
NAY	Gunderson, Jack	AYE	Marbut, Gary R.	NAY	Zimmer, William (Bill)
Absent	Hageman, Alvin			AYE	Mr. Speaker

Conf. Com. Report on
H. B. 463
40-46
8 aye.

MONTANA SENATE

REGULAR SESSION

ROLL CALL

1973 LEGISLATURE

VOTE #1

YEAS	N-V	NAYS
Aber		(D)
Bennett		(R)
Bertsche		(D)
Bollinger	el	(D)
Boylan		(D)
Breeden		(R)
Broeder		(R)
Carl		(R)
Cochrane		(R)
Darrow		(R)
Deschamps		(R)
Devine		(D)
DeWolf		(D)
Drake	el	(R)

YEAS	N-V	NAYS
Flynn		(D)
Gilfeather		(D)
Goodheart		(D)
Graham		(D)
Groff		(D)
Hall		(D)
Harrison		(R)
Hazelbaker		(R)
Himsl		(R)
James		(D)
Jensen		(D)
Keenan		(D)
Klindt		(R)
Lowe		(R)

YEAS	N-V	NAYS
Lynch		(D)
Manning		(D)
Mathers		(R)
McCallum		(R)
McDonald		(D)
McGowan		(D)
McKeon		(D)
McNamer		(R)
McOmber		(D)
Moore		(R)
Moritz		(R)
Nees		(D)
Northey		(R)
Rosell		(R)

YEAS	N-V	NAYS
Shea		(D)
Siderius		(D)
Sorensen		(D)
Story		(R)
Thiessen		(D)
Turnage		(R)
Vainio		(D)
Zody		(D)

Mr. Presid..t

4/2 - 463 Concur In Comm. Whole

Ayes 25 Noes 21 Abs 2 Ex 2

25 TOTALS 21

House BILL NUMBER 463

DATE 1

YEAS 100-200		N-V 100-200		NAYS 100-200	
0	0	0	0	0	0
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9

HOUSE / SENATE		BILL / RESO.	
1000	100	10	1
2000	200	20	2
3000	300	30	3
4000	400	40	4
J'nt.	500	50	5
Conc.	600	60	6
Emer.	700	70	7
3rd R	800	80	8
Quo.	900	90	9
MOT	000	00	0

DATE	
Jan.	2
Feb.	3
Mar.	1
Apr.	2
May	3
June	4
July	5
Aug.	6
Sept.	7
Oct.	8
Nov.	9
Dec.	0

Electrical Roll Call System by International Roll Call Corporation, Richmond, Va., U.S.A.

MONTANA SENATE

REGULAR SESSION

ROLL CALL

1973 LEGISLATURE

VOTE #2

YEAS	N-V	NAYS
Aber		(D)
Bennett		(R)
Bertsche		(D)
Bollinger		(D)
Boylan		(D)
Breeden		(R)
Brooder		(R)
Carl		(R)
Cochrane		(R)
Darrow		(R)
Deschamps		(R)
Devine		(D)
DeWolf		(D)
Drake		(R)

YEAS	N-V	NAYS
Flynn		(D)
Gilfeather		(D)
Goodheart		(D)
Graham		(D)
Groff		(D)
Hall		(D)
Harrison		(R)
Hazelbaker		(R)
Himsl		(R)
James		(D)
Jensen		(D)
Keenan		(D)
Klindt		(R)
Lowe		(R)

YEAS	N-V	NAYS
Lynch		(D)
Manning		(D)
Mathers		(R)
McCallum		(R)
McDonald		(D)
McGowan		(D)
McKeon		(D)
McNamer		(R)
McOmber		(D)
Moore		(R)
Moritz		(R)
Nees		(D)
Northey		(R)
Rasoll		(R)

YEAS	N-V	NAYS
Shea		(D)
Siderius		(D)
Sorensen		(D)
Story		(R)
Thiessen		(D)
Turnage		(R)
Vainio		(D)
Zody		(D)

Mr. Presid..t

Mar. 23 - Conf. Comm. dissolved

HB 463 3rd rdg

Ayes 28 Nos 21 Abs 0 Ex 1

28 TOTALS 21

House BILL NUMBER 463

DATE 1

YEAS 100-200		N-V 100-200		NAYS 100-200	
0	0	0	0	0	0
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9

HOUSE / SENATE		BILL RESO.	
1000	100	10	1
2000	200	20	2
3000	300	30	3
4000	400	40	4
J'nt.	500	50	5
Conc.	600	60	6
Emer.	700	70	7
3rd R	800	80	8
Quo.	900	90	9
MOT	000	00	0

DATE	
Jan.	2
Feb.	3
Mar.	1
Apr.	2
May	3
June	4
July	5
Aug.	6
Sept.	7
Oct.	8
Nov.	9
Dec.	0

Electrical Roll Call System by International Roll Call Corporation, Richmond, Va., U.S.A.

round (1) roll call system by international roll call corporation, richmond, va. 23230

ROLL CALL

Judiciary COMMITTEE

43rd LEGISLATIVE SESSION 1973

DATE	2/9	2/13	2/13	2/19	2/20	2/21	2/22	2/23	2/24	2/24	2/26	2/27	2/28	3/1	3/2	3/3	3/5	3/8
MCKEON, CHAIRMAN	✓	✓	✓	✓	✓	✓	✓	✓	✓	–	✓	✓	✓	✓	–	✓	✓	✓
GILFEATHER, V. CH.	✓	✓	✓	–		✓	✓	✓	✓	–	✓	✓	✓	✓	–		✓	✓
BOYLAN	✓	✓	✓	–	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	–	✓	✓	✓
ZODY		✓	✓	✓		✓	✓	✓	✓	–	✓	✓	✓	✓	–	✓	✓	✓
HALL	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	–	✓	✓	
MATHERS	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	–	✓	✓	✓
HARRISON		✓	✓	✓	✓		✓	✓	✓	–	✓	✓			–	✓	✓	✓
MOORE		✓		–			✓	✓	✓	–	✓	✓	✓	✓	–		✓	✓
TURNAGE	✓	✓		✓	✓		✓	✓	✓	–	✓	✓	✓	✓	–	✓	✓	✓

SENATE JUDICIARY COMMITTEE---March 5, 1973

The meeting was called to order by Chairman McKeon; all members were present. The first bill discussed was HB 463 (abortion). Representative Hal Harper, sponsor, spoke briefly. He was dissatisfied with the amendments the House had made to the bill.

Dr. Anderson of the board of health spoke briefly. He said the bill was worded very ambiguously and the language needed to be rewritten to be acceptable to the board.

Senator McNamer, representing himself spoke and offered amendments to the bill which are attached. He felt "What began as an abortion bill is now an anti-abortion bill" due to the amendments made by the House.

There were no other speakers on this bill, so Senator Bollinger spoke on his Senate Resolution 22, the "right to life" resolution. Senator Moore asked Bollinger if the wording of the resolution would oppose any type of abortion at any time. Senator Bollinger replied this was not the intent of the resolution and he would be willing to have the language changed to clarify this.

Senator McKeon read a section from the Independent Record concerning Colorado's very liberal treatment of abortion--that state had removed most of the restrictions concerning abortion.

attachments

Luke McKeon, Chairman

Colorado high court strikes abortion law

ENVER (AP) — The Colorado Supreme Court struck down much of the Colorado Criminal Abortion Act as unconstitutional today, citing the U.S. Supreme Court's decision on abortion Jan. 22 and decisions in other courts.

The state high court removed virtually every major requirement under current law, leaving only the provision that a doctor perform the abortion.

The court decision removed from the law the requirement that an abortion be performed in a "licensed hospital" and also removed the requirement that the abortion be granted only after written certification by all of the members of a special hospital board.

It also struck down the conditions for abortion. Among those conditions were that continuation of the pregnancy would lead to a child with grave and permanent physical deformity or mental retardation, that the pregnancy resulted from criminal conduct, and that the death of the woman or serious permanent impairment of her mental health were at stake.

The current law was considered one of the nation's most liberal when drafted in 1967.

The Colorado tribunal said it consolidated three cases now on appeal before it in issuing the opinion.

COMMITTEE ON Judiciary House BILL NO. 463

VISITOR'S REGISTER

NAME	REPRESENTING	Check One: Support	Check One: Oppose
Sen. Ted Howe			
David J. Jones			
Barbara McKee			
Rep. Darlene Ball	SELF		X
Fe Bollenbaugh	DIST. 4		✓
Carla B Booker	Self opposed bill as is. Support critical Hyper Lit. with amendments.		✓
Gordon McGowan	Self Dist 14		
Mrs. Gordon McGowan			
Wayne O'Brien			
Candi Fox			
Swede Gronhovt	Self		✓

(Please leave prepared statement with Secretary)

COMMITTEE ON Judiciary House BILL NO. 413

VISITOR'S REGISTER

NAME	REPRESENTING	Check One: Support	Check One: Oppose
[illegible]	[illegible]		X
Susan Selig Stallwork	Montana Organization for the Reform of Abortion Laws		(X)
	But would support if amended back to the form in which originally introduced by Rep. Hal Harper.		

(Please leave prepared statement with Secretary)

COMMITTEE ON Judiciary House BILL NO. 463

VISITOR'S REGISTER

NAME	REPRESENTING	Check One Support	Check One Oppose
Jim Bay Jones			
Sue Hammons			
Jan Lake			
[illegible] Beard			
Constance Depew			
David A. Depew			
Pat Swafford			
Lois Kotteleti			
[illegible]			
Ruth Kelley	myself		
[illegible]			
Alice L. Mitchell			
Elaine La Chair			
Raymond Lincoln	Myself		
[illegible]		✓	
John C. Wilson			

(Please leave prepared statement with Secretary)

SENATE JUDICIARY COMMITTEE---March 8, 1973

Senator McKeon called the meeting to order; all members were present with the exception of Senator Hall who was ill. The first bill discussed was HB 26. Senator McKeon suggested the following amendments:

Page 1, line 20 by striking the words "at which any county officers" and in line 22 by striking "except county commissioners are to be elected or at anytime have appointed county officers"

Senator Turnage seconded the amendments and the committee voted to adopt them. Senate Turnage moved the bill be concurred in as amended; Senate Mathers seconded the motion; and the committee unanimously voted this billAS AMENDED BE CONCURRED IN.

HB 373 was discussed. Sponsor, Rep. Edland, spoke briefly on the bill. Senator Mathers moved the bill be concurred in; Sen. Boylan seconded the motion and the committee unanimously voted this bill BE CONCURRED IN.

HB 458 was discussed briefly--Jim Carden, representing Workmen's Compensation spoke. Senator Gilfeather moved this bill be concurred in; Senator Mathers seconded the motion; and the committee unanimously voted this bill BE CONCURRED IN.

HB 465, sponsored by Rep. Baucus who spoke was discussed next. Also speaking were A. W. Clarkson who submitted his testimony and Hal Price representing the State Planning Division also spoke in support of the bill. No action was taken on the bill.

HB 342 sponsored by Rep. Fagg who spoke. Senator Harrison moved this bill be not concurred in; Senator Moore seconded the motion and the committee voted that this bill BE NOT CONCURRED IN.

HB 409 was also discussed. Senator Boylan moved this bill be not concurred in; Senator Harrison seconded the motion; and the committee voted this bill BE NOT CONCURRED IN.

SB 112 which was heard by the committee was re-referred to the committee. Senator Gilfeather moved this bill be held over; Senator Mathers seconded the motion; and the committee voted this bill be HELD OVER THE INTERIM.

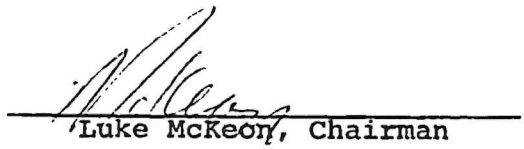
SR 22 was discussed and Wallace Edland appeared in the absence of Senator Bollinger, sponsore of the bill. Amendments proposed by Sen. Bollinger were adopted by the committee. Senator Gilfeather moved the bill be held; Senator Harrison seconded the motion; and the committee voted this bill BE HELD OVER THE INTERIM.

HB 320 was discussed. Dick Dzivi, representing the Montana Theatres Assoc. offered amendments. (attached) Senator Turnage moved to adopt the amendments; Senator Boylan seconded the motion. Senator Turnage moved the bill as amended be concurred in; Senator Harrison seconded the motion; and the committee moved the bill AS AMENDED BE CONCURRED IN.

HB 463 was discussed also. Senator McNamer spoke to the committee about the amendments he proposed at the hearing on this bill March 5. The committee discussed whether Sections 1, 2, and 3 should be left in the bill or stricken. Senator Gilfeather and Sen. Harrison thought that these sections would endanger the hospitals and leave them open for lawsuit when the constitutionality of these sections was questioned. Senator Moore felt that the committee should follow the lead of the Attorney General and leave these sections in until they were stricken.

Senator Moore moved that the title be amended in line 9 by striking "and for regulation concerning abortion in the state of Montana. Senator Boylan seconded the motion and the committee adopted the amendment. Sen. Moore also moved the adoption of Senator McNamer's amendments; Senator Boylan seconded the motion and the committee adopted the amendments.

Senator Moore moved this bill as amended by concurred in; Senator Mathers seconded the motion; and the committee moved this bill AS AMENDED BE CONCURRED IN.



Luke McKeon, Chairman

J U D I C I A R Y

Senate Committee

Date 3/8 4th Bill No. 463 Time ____

	Y	N
McKeon		
Gilfeather	✓	
Boylan	✓	
Hall	✓	
Zody	✓	
~~Brake~~ Mathers	✓	
Harrison		✓
Moore	✓	
Turnage	✓	

MJ Rice
Mary Jane Rice, Secretary

LMcK
Senator Luke McKeon
Chairman

Motion: As Amended Be Con Sm